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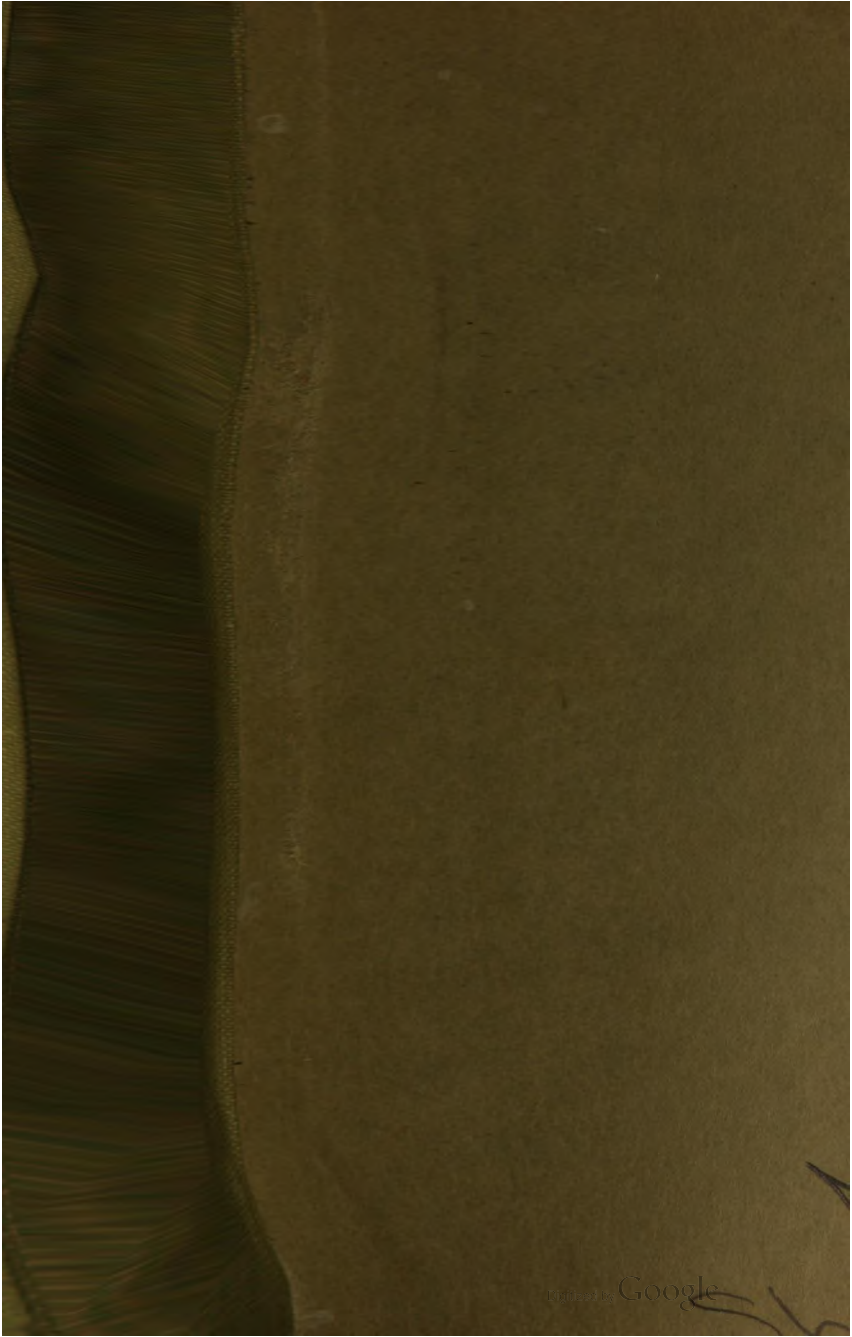
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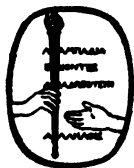


# HOW TO DEBATE

BY

EDWIN DuBOIS SHURTER

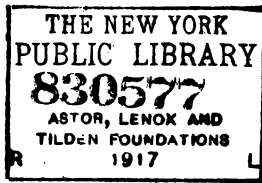
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Printed in the United States of America  
Published May, 1917

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## PREFACE

**T**HIS book treats of the various ways of convincing and persuading men. While intended as a text-book for high schools and colleges, it is also adapted to the needs of the lawyer, the preacher, the teacher, the citizen; in short, to any one who is called upon—and who is not?—to urge the acceptance of his ideas upon a hearer, or to refute ideas offered in opposition thereto.

In our schools and colleges the value of argumentation as an independent branch of study is now generally recognized. But numerous as are the treatises on argumentation, the subject of debating is usually treated in a single chapter, or not at all. This book aims to meet the needs not only of the expert in argumentation, but also of the practical debater. The average citizen is called upon to argue orally far oftener than he is required to present a written argument; and of what avail is his knowledge and logic if they cannot be utilized in the discussions of every-day life? However, any attempt to teach debate in a thorough and systematic manner must involve the study of argumentation generally, and this, in turn, involves practice in brief-writing and argu-

## P R E F A C E

mentative composition. A treatise on debate, therefore, must include the subject of argumentation in all its phases—analysis, evidence, proof, the different kinds of arguments and how to meet them. But the present volume goes farther than this, and aims to show the student how he may utilize his training in writing when he is called upon to present his arguments orally before an actual audience and in the presence of an opponent who is waiting to reply.

Debate being primarily a disciplinary study, not an informing one, the ultimate purpose of instruction in this line must be to lead one to think for himself, and to think straight. It is therefore a difficult subject to treat in a formal manner. The endeavor has been, however, to develop the treatment in a systematic way, making all suggestions as specific as possible, giving attention to one thing at a time, and supplementing principles and theories with illustrative matter and with exercises for practice. The Appendices contain further illustrative and reference material for general use; the questions for debate, references, rules of parliamentary procedure, specimen debates, etc., will be helpful not only to the teacher in class work, but also to members of literary and debating societies.

This book is an outgrowth of the author's former treatise, *Science and Art of Debate* (1908). Certain parts of that book, more or less revised, are incorporated in the present treatise, while other parts have been wholly rewritten with a view of adapt-

## PREFACE

ing the treatment to the needs of high-school students. In the work of revision the author desires to make special acknowledgment of the assistance rendered by John R. Pelsma, Professor of Public Speaking in the Oklahoma Agricultural and Mechanical College.

E. D. S.

THE UNIVERSITY OF TEXAS,  
*January, 1917.*



# **HOW TO DEBATE**



# HOW TO DEBATE

## INTRODUCTION

### I. THE ADVANTAGES OF DEBATE

**S**IGNIFICANT among tendencies in modern American education is the revival and spread of the practice of debate in our schools and colleges. The debt of England to the numerous debating societies of Oxford and Cambridge has long been recognized, most of that country's distinguished orators and statesmen having received their first training in these societies. In America, within the past ten or fifteen years, there has come, in and out of the schools and colleges, a noteworthy revival of the old-time debating lyceum. Interscholastic athletics have been paralleled by intellectual athletics in the form of interscholastic debates.

The cause of this marked interest in debating among students is not far to seek. In the first place, it represents not so much a reaction against athletics—which is sometimes claimed—as activity along similar lines and through similar causes. As

the typical American student of to-day is no longer the "pale" student, too ethereal for a vigorous physical life, so, on the mental side, he is no longer the simple "book-worm" wholly removed from the currents of thought and action in the great world-life for which he is supposedly making preparation. He is now preparing to meet the demands of American citizenship, and by studying and discussing the economic, social, and political questions which are pressing constantly for solution is fitting himself for future leadership.

Practice in oral argumentation has many special advantages, among which may be mentioned:

1. *Debating teaches one to think for himself.*—It conduces to logical, clear, and independent thinking. And this is a rare accomplishment, for few people really think for themselves. How many of our opinions and so-called "convictions," opinions which we hold as axiomatic, are borrowed from those with whom we have been associated. The process of debating is the crucial test as to the value of such opinions. Mere assertion or citing the opinion of another will not avail in debate, as one must state reasons for the faith that is in him. All propositions, opinions, and assertions come to the mind of the educated man punctuated with interrogation points. "Beware," says Emerson, "when the great God lets loose a thinker on this planet." Many branches of study must be taken largely on the authority of specialists, but the discussion of debatable questions of the day opens up a field of subjects upon which authorities differ



so widely that no opinion is orthodox. This the novice in debate soon discovers. He rises, and with great satisfaction proceeds to enlighten his hearers upon the subject under discussion, employing "strong assertion without proof, declamation without argument, and violent censure without dignity or moderation." But presently, as he sees the bottom knocked out of his arguments, he becomes disgusted with his second-hand opinions and begins to think for himself. Nothing is so conducive to thought as the direct contact of mind with mind. Nothing so widens one's mental vision as an effort to define one's position upon a given subject. Nothing so clearly and forcibly shows a man the unstable foundations of his opinions as an attempt to support these opinions in the face of unsparing criticism.

2. *It stimulates logical thinking and accurate expression.*—Perhaps no study equals debate in the acquirement of the power of logical thinking combined with clear expression. The real debater cannot indulge in "glittering generalities," but has a definite issue on which to speak. The faults of vapid utterances, so common in formal oratory, of attempts at mere rhetoric, and of the general lack of unity and coherence so common in public speech, are thus avoided. "I believe that the next generation," says President Hadley of Yale, "will recognize that precision of thought is what distinguishes the first-rate speaker from the second-rate speaker; and that this precision can be obtained if, instead of hurling facts of science or lan-

guage or history at his impervious skull, we open his eyes to the infinite possibilities of close thought and precise expression in all fields of knowledge.”<sup>1</sup>

3. *It encourages thorough thinking.*—It is highly essential that you know what you are talking about in a debate. Superficial knowledge is easily detected by your audience. You must “drink deep from the Pierian spring” if you would succeed in a debate. Our foremost forensic speakers in Congress and elsewhere have often greatly astonished their audiences with their thorough knowledge of the facts and circumstances related to the subject under discussion.

4. *Debating produces broad-mindedness and toleration.*—It does this by compelling attention to both sides of a question—for any really debatable question always has two sides. Practice in debate cultivates the habit of looking at truth, not in isolated and fragmentary forms, but in all its relationships. It is unfortunate for any man or class of men to be placed under such conditions that their opinions are given out as authoritative and received as such—or, if not so received, are delivered when no opportunity is afforded for their utterances to be disputed. Hence the tendency of preachers and teachers to become dogmatic and narrow. Lawyers, on the other hand, are, as a class, liberal-minded and tolerant. Is not this because of the practice in debate that their profession affords? The hard knocks they give and receive make them tolerant of antagonistic views. So, the practice

<sup>1</sup> *Harper's Magazine* for June, 1905.

that students have in discussing either the affirmative or negative side of a debatable question tends to remove unfounded prejudice and narrowness. The trained mind is broad, impartial, and comprehensive in its vision; and these are the elements of mind necessary to draw conclusions and solve problems.

5. Lastly, *debating has a practical value*.—For the lawyer, minister, teacher, salesman—for every one—there is no form of public speaking that is of greater value than skill in oral argument. Scores of public men have gone on record by attesting to the value of debating in the old literary societies when they were students. And our successful men of the future will come out of our present debating societies. The man who can think on his feet and who can deliver his thoughts in a forcible and effective manner can usually get what he wants. Thorough preparation, logical thinking, and accurate diction, combined with a persuasive and effective delivery, furnish an open sesame to leadership and success in any worthy endeavor.

## II. THE ELEMENTS OF DEBATE

Whenever people disagree in a discussion, and produce reasons to support their respective views, they are debating. Debate is, therefore, a far more common exercise, in all relations of life, than we are wont to think. Its object is to discover truth, to determine upon which side of a given question the truth lies. Debating is not contentiousness;

it is a logical discussion for the purpose of elucidating thought or influencing action. "Argument, in the sense of controversy, seems to be, on the whole, less seriously taken than it used to be; argument, in the sense of care in forming opinions, seems to be, on the whole, more seriously cultivated."<sup>1</sup> Even in societies organized for the purpose, debate should have for its object the vindication of some truth, and the question should be seriously disputed.

Since those who engage in a debate are seekers of truth, it is pertinent to inquire, What is meant by the truth? And in this connection a few other terms need explanation:

1. Facts are entities, relationships, or any phenomena that actually exist. We see the stars. If stars are real and actually exist, their existence is a fact. Stars shine. This expresses a relationship between two facts.

2. Ideas and opinions are merely man's conception of these facts and relationships. Stars are suns with planets revolving around them. Perhaps. "If a man die shall he live again?" We think, hope, and preach that he will. However, many persons remain unconvinced.

3. When our opinions agree with the facts they are called truths. Columbus discovered America. This is an undisputed fact.

4. A *Proposition* is the expression of relationship between two or more ideas. Radium cures cancer. A proposition may be true or it may not be true.

<sup>1</sup> Sidgwick, *The Process of Argument*, p. 197.

5. An *Assertion* is an affirmation or a denial without proof. A republic is the best form of government. If no proof is offered, it is an assertion.

6. An *Assumption* is an opinion accepted as true without proof. A straight line is the shortest line between two points.

7. A *Presumption* is a statement considered true until proved otherwise. A man is presumed to know the law. A nation should protect its citizens.

8. *Proof* is sufficient reason for asserting a proposition as true. It includes evidence and argument.<sup>1</sup>

9. *Evidence* is any data from which an inference may be drawn.

10. *Argumentation* is the process of establishing the truth or falsity of a proposition.

11. *Debating* is the science and art of producing in others, through proper appeals to the intellect and emotions, by means of evidence and argument, a belief in the ideas which we wish them to accept.

Note that the foregoing definition denominates debating as both a science and an art. "A science," says Jevons, "teaches us to know, and an art to do." In discovering and classifying the means whereby a man's understanding is convinced and his feelings moved, we are dealing with debate as a science; in employing these means as applied to a given question, we are dealing with debate as an art. And these two processes are inseparable in debating. The debater must both acquire and give; he must be able both to find reasons and to

<sup>1</sup> Wharton, *Evidence*, p. 3.

express those reasons to a hearer or hearers in such a manner as to induce belief.

But belief is often not sufficient. An individual, a jury, or an audience may be convinced of the truth or falsity of a proposition, and yet there may be no change in conduct. We may be convinced that there is poverty about us and that it is our duty to aid, and yet not contribute a cent for its relief.

I see the right, and I approve it, too,  
Condemn the wrong, and yet the wrong pursue.

Except in a purely academic discussion, where truth alone is the ultimate goal, the task of the debater is not completed until his auditors act upon their belief. Human conduct depends more upon arousing the emotions than upon satisfying the intellect. Man acts because his will has been stimulated. We do what we *will* to do. Passion and prejudice, fear and hate, love and sympathy, move mankind to acts of crime and to deeds of heroism more frequently than statistics and logic. Many people pride themselves on their intellect, and state with much gusto that they act only after due deliberation and from motives which have appealed to their reason, and scorn to be moved by any other means. There are such individuals, and their tribe is increasing. But the normal individual acts when his attention is centered on an act and there are no conflicting impressions. We act when only one idea or side of a proposition domi-

nates our attention. Deliberation invariably inhibits conduct. Thus we see that action is not the result of overwhelming evidence and argument, nor of aroused emotion, alone, but may be due to either and most frequently to both.

It may be said that formal and interscholastic debates are primarily and fundamentally informational and academic, and, therefore, no attempt is made to influence the audience to action. The nature of the questions discussed and the personnel of the audience preclude any immediate action; but an audience can and does register its *choice*, and to choose is a volitional act as much as that resulting in some form of physical action. It should be added that emotional appeals alone, with an audience of even average intelligence, are ineffective unless such appeals are based upon and naturally follow a course of reasoning. A debater who continually appeals to our love of home and mother, our reverence for our ancestors, our pride in our country, or presents to our imagination vivid pictures to influence our passion and arouse our prejudice, in lieu of sound logic, we unhesitatingly label as a weak debater.

Persuasion, however, is not without its proper function in debating, and a subsequent chapter will deal with this important topic.

# I

## THE PROPOSITION—MATTER AND FORM

**A** *PROPOSITION necessary in debate.*—A debatable question implies that a given proposition is maintained by one and doubted or denied by another. It implies a disagreement, else there is nothing to debate. In the questions on which people disagree, as discussions arise in every-day life, there is ordinarily no stated proposition to formulate the matter in dispute; and one of the first things that one skilled in argument will do is to reduce the discussion to such form, whereupon one of three situations will develop: either the disputants' views are (1) identical, or (2) they are discussing two wholly different propositions, or (3) they take issue squarely with each other. In the first instance, the formulation of the subject under discussion into a clear statement removes any seeming disagreement. In the second instance, the discussion would be as if two trains passed each other in opposite directions on parallel tracks. In the last instance, there is what may be called a debate "head on"—a direct, square collision.

A proper subject for debate, then, must be capa-



ble of affirmation and denial, and a proposition is the only rhetorical form that lends itself to this requirement. A proposition is "a form of speech in which a predicate is affirmed or denied of a subject"; it is a statement that something is or is not. And something must always be predicated of a subject in order to raise an issue for debate. "The Chinese in America" might be a proper subject for a lecture or an oration, but in order to debate the Chinese question some proposition regarding the Chinese in America, as "The Chinese Exclusion laws should be repealed," must be laid down. You cannot argue a mere term or phrase. You may explain a term, but only a proposition is susceptible of proof or disproof. The advocate, for example, may need to make clear by exposition what larceny or arson is, but he cannot argue the terms "arson" and "larceny"; he can argue that "This man is guilty of arson," or that "My client is innocent of larceny." "Argumentation attempts not only to explain why certain ideas are as they are, but also to convince the understanding that they are as they are, or that they ought to be as they are not."<sup>1</sup> And in order to do this, argument requires for a starting-point the affirmation or denial of a definite proposition.

#### SELECTING THE PROPOSITION

As questions for debate arise in practical life, one does not usually select the subjects—they

<sup>1</sup> Brewster, Introduction to *Specimens of Narration*.

come. But whenever the subjects are to be deliberately chosen, as in debating societies and class exercises, some care should be used in selecting questions, and some general suggestions may well be heeded. What sort of questions should be chosen? Let us partially answer this question by a process of exclusion, and consider certain classes of subjects to be avoided for formal debate.

1. *The proposition should be debatable.*—In the first place, it must not be self-evident. A bald example of such propositions would be a geometrical theorem. Or, "Resolved, that the Caucasian is a white man," is not a debatable question. There are no black Caucasians. Nor could any one advantageously debate such obvious propositions as, "Resolved, that Shakespeare was a great poet"; or, "Resolved, that the murder of President McKinley was reprehensible." A question not having two sides seriously disputed, or one whose obviousness is concealed by the form of statement, should never be chosen for debate; in short, the question should be really debatable.

Secondly, the proposition must be capable of approximate proof or disproof. Although the truth or error of most debatable propositions, as they arise in real life, cannot be demonstrated with mathematical exactness, yet those questions which are capable of only a slight degree of approximation to proof should be avoided. For example, take such time-worn questions as, "Resolved, that the pulpit affords more opportunities for eloquence than the bar"; "Resolved, that the pen is mightier

than the sword." So, vague questions of taste, as the relative merits of two great poets, or of two great generals: while such questions may be interesting and profitable for general discussion, they are unsuited for formal debate. The proof is too elusive and indefinite; neither side can come within range of a common object for attack or defense. "Does the public speaker exert a greater influence than the writer?" is a question submitted in a recent treatise on debate. Now the natural course of events in the argument of such a question is for the affirmative to heap up examples showing the influence of the public speaker, and the negative to adduce examples showing the influence exerted by the writer. The affirmative might also point out certain disadvantages under which the writer must labor, as compared with the public speaker, and the negative would adopt a *vice versa* treatment. The question states a comparison, but no common standard for comparison could be found, and hence no satisfactory proof or disproof is possible.

2. *Should be interesting.*—And first, to the debater himself. To be interesting, questions should be selected that are within range of the disputants' knowledge and comprehension, especially those for class practice; the student should select questions that appeal to him. To the average high-school boy or girl such topics as, Athletics, Dress Reform, Moving Pictures, Jitneys, and the Elective System of Studies are more interesting than Regional Banking Systems, Single Tax, or The Montessori

**Method of Teaching.** Questions arising from daily class work in history, civics, and literature are often of very live interest.

Secondly, the subject for debate should be of interest to the audience. This requirement has special bearing on questions for debate before a public gathering. The speaker owes something to those who listen to the debate. Small crowds are the rule at many public discussions of this kind. To encourage a better attendance, subjects of special interest to the immediate community should be selected. What question is the city now interested in? What city, State, or national problems are being argued on the street corner? Questions for public debate should arise from the needs of the community. Questions of pressing interest one hundred years ago may be dead issues now. Questions must have current interest.

3. *Must be worth while to the student.*—In view of what has previously been said regarding the object and nature of debating, this caution may seem superfluous; but observation shows that debating societies constantly violate this rule. Such questions as, "Resolved, that ambition is productive of more good than evil," that "The cow is a more useful animal than the horse," as subjects for debate are in line with the grave discussions of the medieval theologians on such questions as, "How many angels can stand on the point of a needle at one time?" The "corner grocery" Solons may choose to discuss questions whose only

opportunity for debate is furnished by some ingenious play upon words, but such aimless questions are unworthy the attention of serious men. The trouble comes, in part at least, from viewing debating as a mental exercise in public speaking, rather than as a practical means to an end. In a country where public opinion is the mainspring of government, where great economic, social, and political questions are pressing for solution, and where the solution must come mainly through that body of educated young men constantly being infused into its body politic—why should any association of school or college students waste its energies in debating subjects which call forth only a technical or theoretical treatment, or serve only as means for an ingenious display of so-called wit?

4. *Familiar questions should be selected for beginners.*—The beginner must needs pay attention to the form and technique of debate, and should be permitted to devote most of his attention to that, and not to the gathering of information through research. The child plays very simple selections of music until he has mastered the technique of the keyboard. Subjects that require much reading should be left for the experienced debater. Again, the familiar subject will encourage the young debater first to utilize the knowledge he already possesses before “reading up” on the more difficult subjects. This should be his practice throughout life, no matter what proposition he cares to defend or upon what topic he wishes to speak.

## STATING THE PROPOSITION

1. *The proposition should be clearly, briefly, and simply phrased.*—It should be so stated as to indicate the issue for debate. In deliberative bodies the issue is expressed in the form of a motion, a resolution, or a bill; in legal practice, by the pleadings in the case.

Propositions should be void of any hidden, technical, or unusual meaning which will permit one side to hide behind the complex or involved phraseology. A short, simple proposition is always desirable. Time spent on wording a question in the simplest and briefest form is time well spent, for it will make the selection of the special issues an easier task. The following "wordy" statement, for example, is undesirable: "Resolved, that further admission of immigrants to the United States, so long as the congestion of alien groups persists in our large cities, should be subject to Federal control of such arrivals for a definite period of years for purposes of better distribution with regard to the requirements of the different sections of the country."

2. *Should contain no ambiguous terms.*—The proposition should be stated in clear, unambiguous language, so that the issue raised is plainly indicated. Otherwise we shall have a debate, not on the proposition, but on its meaning. This is always unfortunate. It is a trying ordeal for any audience to hear students carry on a debate which is nothing more than continuous quibbling over the

meaning of terms. Sometimes the young speaker—the “smart” debater—goes out of his way to evolve, by a narrow or strained construction, some unusual and surprising meaning to be applied to terms used. But when this sort of “debating” is carried to excess it is a questionable preparation for real life. Reasonable people do not debate words, but ideas. And if, unfortunately, there are ambiguous words in the proposition as stated, it is far better, if possible, for each side to agree on the meaning of such words in advance, in order that the discussion may proceed on the issue itself.

Therefore great care should be exercised in eliminating all ambiguous words in stating the proposition; and only those who have had experience can realize how difficult this often is. With the issue clearly in mind, it is sometimes exceedingly difficult, in an effort for due conciseness, to state the proposition so that the question means the same thing—for that is the point—to both the affirmative and negative speakers. As one means to this end, avoid the use of general terms that have no generally accepted meaning. Such current expressions as the “Monroe Doctrine,” “Imperialism,” “Expansion,” “Anarchy,” might be variously defined. A proposition for debate relating to any of these terms should be stated with more definiteness than the terms themselves could possibly express. For example, in a debate on the question, “Resolved, that all anarchists in this country should be deported to one of our island

possessions," the discussion would necessarily turn on the special question, Who are "anarchists"?

3. *Should not be too broad.*—Questions should be selected that can be adequately treated in the time allotted for the debate. Subjects dealing with "World Peace," "The Late War in Europe," "Socialism," etc., are too broad in their scope to be satisfactorily discussed in the short time usually agreed upon. For this reason, and many others, the constitutionality of a question is always conceded. In every question where the constitutionality may be an issue it is better to append it; as, "Resolved, that the several States should adopt a schedule of minimum wages for unskilled laborers, constitutionality conceded."

4. *Should contain one central idea.*—The reason for this caution is obvious. It is based on the rule in deliberative bodies which allows a member to divide a motion that contains more than one issue, so that the assembly need debate but one question at a time. Sometimes in formal debate two main propositions are included in the statement of the question, with a view of thus making the question more evenly divided. But unless such a purpose is in mind, avoid a compound or complex statement. For example, "Resolved that the United States Government should inaugurate a comprehensive plan for the improvement of our inland waterways, and that the Mississippi River should be made navigable for deep-sea vessels as far north as St. Louis." Plainly, here are two separate propositions, and either of them would furnis



ample opportunity for an hour's debate. Again, a question may be stated singly, on its face, and involve several definite issues. For example, "Resolved, that President Wilson's foreign policy be approved." A moment's analysis of the term "foreign policy" will show that our attitude toward Mexico, Germany, England, and other countries, not to mention other matters of foreign policy dealt with during President Wilson's administration, are all included in the statement of this question.

5. *Should be stated affirmatively.*—To affirm a denial is always a weak statement, for no one, in the first instance, can well prove a negation. To put the matter in another way, the affirmative should be called upon to present a constructive line of argument. Now in many questions of pure fact one may affirm one side or the other of a matter in dispute. But in those questions where a change in present conditions or policies is proposed, the proposed change should be affirmed. For example, if one were to affirm that "the formation of a national debating league is undesirable," he is placed in the position of defending an existing condition before it has been attacked. In questions of reform or of policy the test would be: Does the affirmative of this proposition propose any change in existing conditions?

### EXERCISES

Let the student determine wherein the following questions (collated from treatises on debate and from published lists)

are open to criticism, either as to form of statement or as to subject-matter:

1. Is photography of greater practical value than mechanical drawing?
2. Was Titian a greater artist than Correggio?
3. Is the Wagnerian school entitled to a permanent place in classical interpretation?
4. Is Art the handmaid of Science?
5. The best way to solve our so-called race problem is to stop talking about it.
6. In the next Presidential election, Democracy should be triumphant.
7. Was Burke a greater orator than Fox?
8. Are all men "born free and equal"?
9. Is *Quo Vadis* a more powerful novel than *Ben Hur*?
10. Resolved, that if conscience says a thing is right, it is right.
11. Resolved, that the time has come when in place of our present robber tariff we should adopt the saner policy of tariff for revenue only.
12. Resolved, that whenever Congress has to deal with questions involving the possibilities of war, jingoism and politics play too prominent a part.
13. Resolved, that there is more happiness than misery in life.
14. Railroads in the United States should not be owned by the Government.
15. Reciprocity tariff treaties should displace our present protective tariff, and free trade should be instituted.
16. Resolved, that the cow is more useful than the horse.
17. Resolved, that the farmer is of more benefit to the world than the merchant.
18. Resolved, that women should have equal rights with men.
19. Resolved, that the rural community centers are a greater help to the farmer than the town or city centers.
20. Resolved, that the President of the United States should be elected for one term of seven years, and be ineligible for re-election.

21. Resolved, that men and women should have equal suffrage.

22. Resolved, that labor of prisoners in the State penitentiary should be utilized in improving the highways of the State.

23. Resolved, that prohibition is a failure.

24. Resolved, that written term examinations should be instituted in our high school.

25. Resolved, that the sharing of public funds for purposes which ignore the constitutional separation of church and state is a menace to our Federal, State, and municipal institutions and should be abandoned wherever inaugurated and prevented wherever existing or proposed.

Make a proposition that will stand the tests, on the following subjects:

(a) Entrance examinations for colleges.

(b) Honor system.

(c) Intercollegiate football.

(d) European war.

(e) Jitney cars.

(f) Convict labor camps.

(g) Poverty.

(h) Debating in the high school.

(i) Examination exemptions.

(j) Newspapers.

(k) Juvenile courts. v

## II

### ANALYSIS OF THE QUESTION

**G**IVEN a good subject for debate, stated affirmatively and in unambiguous language, the next step for the debater is to ask himself such questions as these: Just what does this question mean? What issue or issues are raised by it? What must be proved to establish the affirmative of the question? and, What must be proved to uphold the negative? In other words, he must analyze the question. Analysis is the process whereby the proposition for debate is resolved into its constituent elements. It is a process of critical examination, in order to extract the essence of the question and to ascertain the single propositions that enter into the argument of the proposition as a whole.

Now, analysis enters into debating at every step, in the development of the direct argument and in rebuttal. The skilful debater will not only analyze the argument for himself, but at every point will analyze the argument of his opponent, so that, as the debate proceeds, he is able to state, concisely and clearly, the point toward which the

argument leads, and the stage of development in the arguments on either side. "An analysis of the debate at this point," he will frequently be led to observe, "shows that the affirmative rest their argument on such and such lines of proof, and the negative base their contention on such and such points." He thus makes plain to the audience the relation of his further argument to what has preceded, and points out any fallacies in the argument of his opponent. The well-known opening words of Webster, in his famous Reply to Hayne, is illustrative:

When the mariner has been tossed for many days in thick weather and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude and ascertain how far the elements have driven him from his true course. Let us imitate this prudence, and, before we float farther on the waves of this debate, refer to the point from which we departed, that we may at least be able to conjecture where we now are. I ask for the reading of the resolution before the Senate.

So Lincoln, in his "Divided House" speech, began as follows:

If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it.

The analysis now referred to, however, is that preliminary analysis which should make clear the meaning of the question, bring out the debatable

issue or issues, show the lines of proof essential to a given side, and also show the arguments on the opposing side that need be met.

Now, this process of preliminary analysis is too often neglected by the inexperienced debater. A student is apt to work out lines of proof before he knows, from careful analysis, just what proof is required. He may have read widely on the question, but he has failed to do that preliminary thinking for himself which shows him the bearings and limitations of the discussion.

#### STEPS IN ANALYSIS

All argument consists in leading another's thought over the same course your own thought has pursued in reaching a certain conclusion. An analysis of the question will show the point to be reached and the ground to be covered in reaching it. It will show the work to be done, and how it is to be done. "The first step which presents itself in the discussion of any subject is to state distinctly, and with precision, what the subject is, and, where prejudice and misrepresentation have been exerted, to distinguish it accurately from what it is *not*."<sup>1</sup>

The introductory work of analysis will vary greatly with the nature of the question, the familiarity of the audience with the subject, and the time-limit placed on the debate. But the follow-

<sup>1</sup> Erskine, *On the Trial of Thomas Paine*.

ing steps are usually desirable in analyzing a proposition for debate:

1. Give an exposition of the origin and history of the question.
2. Define the question.
3. Exclude all irrelevant matters.
4. State the points that are admitted by both sides.
5. List the main contentions of both sides.
6. State the main issues in the discussion.

1. *Origin and history of the question.*—These two matters, although given as two separate steps in analysis in most texts on argumentation, are so closely related that they may be considered as a single step.

The origin of a question really results from its history. It raises such queries as: How does the question arise at this time as a subject for debate? What place does it hold in current discussion? What is the nature and trend of public discussion regarding it? And these queries, in turn, involve the presentation of a history of the question sufficient to give the audience a background for the argument. Thus, the question of a literacy test for immigrants would require a general statement of the immigration problem in its relation to the other great sociological problems that confront our nation to-day, and a brief history of immigration and immigration legislation, with a statement of existing restrictive measures. Again, in the question, "Resolved, that the United States should establish a protectorate over Mexico," a *brief* po-

litical history of Mexico for the past one hundred years, and a statement of the events which have given rise to the present trouble, could be narrated to advantage.

The exposition of the origin and history of the question must be (1) relatively brief. Most beginners give too much detail. Present only those matters that are immediately necessary for an understanding of the question. (2) It must be fair and impartial. No material fact should be concealed, and the statement should be wholly non-partisan. Facts of history are common property and can be used by either side as evidence in the subsequent argument.

2. *Definition of the question.*—We have previously noted the desirability of having the question for debate so stated that it means the same thing to both sides. Assuming that this has been done as well as desired conciseness will allow, it rarely happens that some of the terms do not need defining, or in any case that the proposition as a whole does not require some exposition or explanation.

There are many ways of defining. The first and most natural step is to consult a dictionary, but for the purpose of clarifying the terms used in a proposition for debate a dictionary is usually very inadequate, for dictionary definitions deal largely in synonyms and also fail to give the special or transitory meanings of particular words with reference to questions of current discussion. Again, a purely logical definition, by which is meant a concise statement of the trait or traits most essen-



tial to an object, is too compact for an unscientific mind.

For the purpose of debating, some of the principal ways of supplementing a dictionary or a logical definition are:

- (1) *By authority*.—Men who are recognized as authorities in a particular field of knowledge are of great service in giving us a usable and accurate definition; as in the preceding chapter Wharton was quoted as authority for the definition of "Proof."
- (2) *By negation*.—That is, a term or proposition is made clearer by telling what it is *not*. "This term," the debater says, "does not mean this or this, but it means this." Voltaire used this method when he wittily remarked that the Holy Roman Empire was neither holy, nor Roman, nor an empire. Likewise, Professor Huxley, having asked on an examination paper, "What is a lobster?" a student replied that a lobster was a red fish which moved backward. The examiner noted that this was a very good definition but for three things: in the first place, a lobster is not a fish; second, it is not red; and third, it does not move backward.
- (3) *By exemplification*.—This method transforms the abstract phrase into a concrete picture; it illustrates by citing a particular case. Two things should be borne in mind when this method is used. First, the

example chosen should be to the point; it should be appropriate and typical. Secondly, it should be within the range of the experience of the hearers, so that it will be understood and make an impression; for this is the purpose of illustration. For example, in his famous Liverpool speech Henry Ward Beecher said:

A savage is a man of one story, and that one story a cellar. When a man begins to be civilized he raises another story. When you Christianize and civilize the man, you put story upon story, for you develop faculty after faculty; and you have to supply every story with your productions.

- (4) *By explication.*—This is an expository method. It explains by using synonyms, or analogy, or some other means of illuminating a term so that the audience will readily see the meaning. For example, in discussing the question, "Is the World Growing Better?" Dr. Henry van Dyke says:

"Growing better" is a phrase about which a company of college professors would probably have a long preliminary dispute, but plain people understand it well enough for practical purposes. There are three factors in it. When we say that a man grows better, we mean that, in the main, he is becoming more just, and careful to do the right thing; more kind, and ready

to do the helpful thing; more self-controlled, and willing to sacrifice his personal will to the general welfare. Is the world growing better in this sense? Is there more justice, more kindness; more self-restraint among the inhabitants of the earth than in the days of old?

- (5) *By popular usage.*—Finally, definition must not only be clear and intelligible, it must, above all, be reasonable. That is, in the last analysis it must be tested by the *popular* or *common understanding* of the terms used. In legal practice, it is true, the sole issue may sometimes be the meaning of terms, and the case is tried on this issue—as in the interpretation of words or clauses in a will. But in formal debating, be it said once more, one should debate, not the terms of the proposition, but *the* proposition. True, a common understanding of the terms may not always be possible, but in any event the preliminary analysis will show just where the affirmative and negative differ in the interpretation of the question, and they can then fight it out, if they must, on that line; in which case a reasonable, clear, and striking definition goes far toward winning the debate. But it is purposeless and silly for one to waste his time quibbling over terms and working out hair-splitting distinctions that convince nobody and weary the hearers.

The various phases and methods of definition show its importance in debating. In his recent course of Lowell Institute lectures Prof. William James, of Harvard, emphasizes the fact that "nine-tenths of the bitterest disputes are really about definitions. When one faction loudly asserts that a certain thing is so, and another as loudly proclaims that it is not, the trouble usually is that the two sides understand different things by the word or phrase in question, and that each is right, provided its own definition be adopted." And yet one should be careful about defining too much; it is well to assume average intelligence on the part of the hearers. The right kind of definition eliminates confusion and vagueness, limits the proposition, and puts the debaters and the hearers on common ground.

3. *Exclusion of irrelevant matter.*—In many questions of the day the debater must, at the outset, ask himself such questions as: What ideas usually connected with this question in popular discussion of it and likely to connect themselves with it, are, after all, wholly extraneous?—ideas, that is to say, which the opposing side may not in the first instance admit, but which in fact have nothing to do with the case. In political questions, for example, whereon people disagree in part by reason of party affiliations, we shall find that popular discussions are full of so-called arguments far removed from the real issues. For example, in the question, "Resolved, that the United States should not retain

permanent control of the Philippine Islands," the first speaker on the affirmative, in an intercollegiate debate, eliminated extraneous ideas put forth in popular discussion and reached the main issue as follows:

The issue in this debate is not the wisdom or justice of our past action, but relates to a policy for the future. Whether the Paris peace commissioners, acting under the advice of military and naval experts, did right or wrong in demanding from Spain the entire Philippine archipelago instead of a single base for a naval station, is not the question. Whether the President and Congress were justified in insisting upon the establishment of order and the acknowledgment of American authority in the islands, is not the question. We are there. Our government is the only recognized government there. And the question is, shall we continue a policy now fully inaugurated, or shall we abandon it and withdraw? The question is, with conditions as they exist to-day, shall the United States look to the abandonment and relinquishment of any and every kind of authority and control over the Philippine Islands?

It is well to determine clearly, in your introductory analysis, what you are not obliged to do in order to establish your case, and to make this plain to your audience, especially when your hearers may expect more proof than is necessary.

Thus, in the question, "Resolved, that a tax should be placed on the issue of the State banks,"

it is not necessary to prove that taxation on the issues of all banks is just or unjust, nor whether it should be a State or Federal tax. Neither is it incumbent on the negative to advance a substitute measure. But should they do so, it is not necessary for the affirmative to defend the tax against all proposed remedies that the negative may mention, but only against the substitute or substitutes that the negative really undertakes to prove.

4. *Statement of admitted matter.*—Amateurs in debate often need to learn that it is neither necessary nor desirable to controvert every point raised by their opponents, to dissipate their energies in opposing what it would only strengthen their case to admit. The skilful debater learns to yield cheerfully any point raised that is not essential to the proof of the main point or points in the discussion. By "admitted matter" is meant those points on which both sides agree—the points that are conceded or granted. In this step in analysis the debater asks himself such questions as: What matters likely to be connected with this question can I safely concede without affecting my position? and what matters is it reasonable to assume that my opponents will yield? For example, take the question, "Resolved, that the deportation of all negroes in this country to one of our island possessions offers the best solution of the race problem." The admitted matter in this question might be stated as follows: It is granted that the presence of the negroes in America presents a problem that

as yet remains unsolved; that both sides admit the existence of the problem and the need of some solution; that in the discussion of the particular solution proposed, the deportation would be effected, so far as possible, in accordance with the demands of justice and humanity. If this much, say, be granted by both sides, the essential points of difference, the points on which there is a real clash of opinion, are left for the undivided attention which they deserve.

5. *Contentions of both sides, or clash of opinion.*—After defining the question, excluding irrelevant matters, and stating admitted matters, the next step in analysis is to enumerate, briefly but completely, the arguments on the affirmative side and those on the negative side. Such an exposition will show the clash of opinion and reveal the issues in the debate. "There is no other way of expounding a proposition, and until a proposition is expounded it cannot be proved."<sup>1</sup> "The essence of the dialectic method is to place side by side with every doctrine and its reasons, all opposing doctrines and their reasons, allowing these to be stated in full by the persons holding them. No doctrine is to be held as expounded, far less proved, unless it stands in parallel array to every other counter theory, with all that can be said for each."<sup>2</sup>

Thus, the opinions held on both sides of the question, "Should immigrants to the United States be

<sup>1</sup> Foster, *Argumentation and Debating*, p. 43.

<sup>2</sup> Bain, *Essay on Early Philosophy*.

required to read in some language," may be stated as follows:

### AFFIRMATIVE

I. A reading test for immigrants is, *a priori*, a reasonable requirement, for,

A. This is essential for citizenship.

II. The large number (45%) of illiterate immigrants from southern Europe produces an excess of unskilled laborers, and thus lowers the standard of living for the native American laborer, for,

A. Illiteracy reduces a laborer's bargaining power.

B. The report of the U. S. Immigration Commission sustains this contention.

III. The illiterate immigrants are a menace to our government, for,

A. They remain ignorant of our institutions.

B. They gravitate to our large cities, and to the slum districts of these cities.

IV. The present large influx of illiterate foreigners seriously threatens a general race deterioration in America, for,

A. The infusion of such people into our social body "is watering the nation's life blood."

B. History and biology prove that the mingling of superior and inferior races produces a lower average man-type.

### NEGATIVE

I. A reading test for immigrants cannot be justified, for,

A. Reading is no test of character or of other qualities of citizenship.

II. There is no excess of unskilled laborers in the U. S., the evil complained of being due to unequal distribution, for,

A. We need more unskilled laborers in industry and for our undeveloped resources.

B. The report of the U. S. Immigration Commission is based on conditions only in large industrial centers.

III. Illiteracy is not necessarily a menace to citizenship, for,

A. Most of the immigrants' illiteracy is caused by lack of opportunity in their native country, and,

B. Among the children of immigrants illiteracy largely disappears.

IV. The continual infusion of new blood is desirable for the composite character of the typical American, for,

A. With proper methods of distribution, we shall be able to assimilate the present immigrants.

B. A large percentage of our best citizens would have been excluded by a reading test.



It will readily be seen how the listing of the principal contentions on both sides of a question will lead to a determination of the main issues, which is the next step in analysis. Thus, from the clash of opinion shown in the parallel contentions as above stated we may deduce the following four issues:

I. Is a reading test for immigrants inherently sound?

II. Is it demanded for economic reasons?

III. Is it demanded for political reasons?

IV. Is it demanded for social reasons?

6. *The main issues.*—We now come to the last step in analysis, the determination of the main issues in the question for debate. As we have just seen, the preceding steps in analysis lead to this final step as a climax, and by natural sequence. What is meant by the main issues? They are the issues in which the debate centers, and about which the whole discussion revolves; the matters that must chiefly be proved in order to prove your case. Rarely is a question for debate so stated that the evidence can be applied directly to the whole case. By analysis you must usually work out a subdivision of two, three, or four subpropositions (the number, of course, depending upon the nature of the question) that cover the whole field of the argument, and which, if proved, will establish the main proposition for debate. For example, take the question, "The standing army of the United States should be increased." In support of this proposition you might say that we need more regular soldiers to quell disorder during strikes and

riots, to fight Indians, to impress other nations as to our military strength, to protect national reservations, to send to Cuba, Porto Rico, and the Philippines, to guard our borders, to defend us against an attack by another country, etc. But so far the argument is all a jumble. You must get some logical grouping of these points. For one way of determining the issues in this question it might be asked, What is the need of any standing army at all in the United States? We need an increase in our standing army (1) for effective police service in times of peace, and (2) for national defense in times of war. The subpropositions, then, that the affirmative would undertake to maintain in order to prove the main proposition would be: (1) Our standing army should be increased to insure effective police service, and (2) It should be increased to insure adequate preparation for national defense.

Masters in debate have always possessed a talent for separating the kernel of a proposition from the chaff; the power of detecting, in the midst of a mass of confusing details, the vital point or points in the discussion. Lincoln, for example, was noted for his power in analysis. It has been said of him that his mind "ran back behind facts, principles, and all things, to their origin and first cause—to that point where forces act at once as effect and cause. Before he could form an idea of anything, before he would express his opinion on a subject, he must know its origin and history in substance and quality, in magnitude and gravity. He must

know it inside and outside, upside and downside. Thus everything had to run through the crucible and be tested by the fires of his analytic mind; and when at last he did speak, his utterances rang out with the clear and keen ring of gold upon the counters of the understanding." In the introduction of his noteworthy address at Cooper Institute, New York, February 27, 1860, this analytic quality is forcibly shown. Taking as his "text" a quotation from Senator Douglas, Lincoln defines the terms, states the common ground, and then reaches the main issue, as follows:

In his speech last autumn, at Columbus, Ohio, as reported in the *New York Times*, Senator Douglas said: "Our fathers, when they framed the government under which we live, understood this question just as well, and even better, than we do now."

I fully indorse this, and I adopt it as a text for this discourse. I so adopt it because it furnishes a precise and agreed starting-point for a discussion between Republicans and that wing of the Democracy headed by Senator Douglas. It simply leaves the inquiry: What was the understanding those fathers had of the question mentioned?

What is the frame of government under which we live? The answer must be, "The Constitution of the United States." . . . Who were our fathers that framed the Constitution? I suppose the thirty-nine who signed the original instrument may be fairly called our fathers who framed that part of our present government. . . . What is the question which, according to the text, those fathers understood "just as well, and even better, than we do now"? It is this: Does the proper division of

local from Federal authority, or anything in the Constitution, forbid our Federal Government to control slavery in our Federal territories? Upon this, Senator Douglas holds the affirmative, and the Republicans the negative. This affirmation and denial form an issue; and this issue—this question—is precisely what the text declares our fathers understood “better than we.”<sup>1</sup>

Webster, in his famous debate with Hayne, finds the main issue as follows:

The inherent right in the people to reform their government I do not deny; and they have another right, and that is, to resist unconstitutional laws without overturning the government. It is no doctrine of mine that unconstitutional laws bind the people. The great question is, Whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws? On that the main debate hinges.

So Burke, in his speech on “Conciliation with the American Colonies” thus states the two main issues:

The capital leading questions on which you must this day decide are these two: First, whether you ought to concede; and, secondly, what your concession ought to be.

One further example, with a different method of approach.<sup>2</sup> Take the question, “Resolved, that three-fourths of a jury should be competent to render a verdict in criminal cases.” On analysis it will appear that both sides admit that absolute

<sup>1</sup> Perry, *Little Masterpieces*, pp. 37-39.

<sup>2</sup> Adapted from Alden's *Art of Debate*, p. 35.

justice cannot always be expected in jury trials. The question, therefore, is: How secure the most perfect justice consistent with a uniform system? There are two sorts of interest involved: (1) the interest of the accused, that he shall not be unjustly convicted (the present status); (2) the interest of the people as a whole, that the guilty shall not escape punishment. The main issue, therefore, might be thus stated: Will the proposed change increase the probability of public justice without lessening the probability of justice to the accused?

Having gone thus far in the process of analysis, the student will fully realize that a thorough knowledge of the question is absolutely essential. Not only a knowledge of the side he desires to maintain, but the side of the opposition as well; for any one "who knows only one side of a question knows little of that." As a general of an army, he must not only know the strength and weakness of his own army, but the strength and weakness of the enemy.

When the important issues and the point or points on which the question hinges have been determined, it will be discovered that there is what is called a "clash of opinion." In other words, the main contention of the affirmative and the main contention of the negative will directly contradict each other. This head-on collision is always desirable in a formal debate, though not always existent. In the less formal discussions of

every-day life, also, the clash of opinion is often not readily apparent, but the skilful debater will always analyze the question to discover the vital issue or issues upon which the discussion turns.

It is impossible to formulate a definite plan to determine the issues that will be adequate for every subject for debate, but the following scheme will at least afford a check for beginners:

In most questions of reform there is an underlying *evil*. It is quite important that this evil be pointed out. Man will not change his action or his attitude toward the fundamental problems of economics, government, religion, or sociology until it has been proved to his satisfaction that there is a need for this change. Human nature is very conservative when basic principles of life are involved. Hence, the first important issue to prove is that there are evils in the present system great enough to warrant a change. The next logical step would be to suggest an adequate remedy for this evil—a plan of action. Mankind will not abandon a plan, faulty as it may be, until it sees a better one. Having suggested a cure for the evil, there still remains another point, and that is, to prove the proposed plan practical—that it will work, and also that it will work better than any other proposed remedy. The negative will, of course, maintain the opposite. These issues will have many subdivisions, but the “clash of opinion” will not be as direct in the sub-issues as they are in the main issues.

By way of summary. The affirmative may prove:

## ANALYSIS OF THE QUESTION 41

1. Cause for action, or evils in the present system, or necessity for change.

2. Method of action or remedy for evils, or feasibility of plan.

3. Practicability of method, and best plan.

The negative may prove:

1. No just cause for action, or evils do not exist, or no immediate need for proposed changes.

2. Method not adequate, or evils incurable, or plan not feasible.

3. Method impracticable, or better plan.

### EXAMPLE

Resolved, that the United States should establish a protectorate over Mexico.

The issues might be arranged in the following manner:

#### AFFIRMATIVE

A. Present conditions in Mexico are unsatisfactory, for,

1. Foreign capital and foreign citizens are unprotected.

2. Mexico is unable to establish a stable government.

B. Protectorate the best remedy, for,

1. Foreign citizens and property would be protected.

2. The Monroe Doctrine obligates the U. S. to intervene.

#### NEGATIVE

A. Conditions in Mexico are not bad enough to warrant intervention; for,

1. Very little capital and very few foreign citizens have been molested.

2. Only about one in three hundred are engaged in warfare.

B. Protectorate would be undesirable, for,

1. It could be established only at a tremendous expense and the sacrifice of many lives.

2. The Monroe Doctrine does not require the U. S. to intervene.

C. The plan is practicable, for,  
1. It has been successful in Cuba.

2. England and other nations have successful protectorates.

C. It is impracticable, for,  
1. There is little analogy between Cuba and Mexico.

2. Annexation is the sequel of protectorates: witness England. The U. S. does not desire to annex Mexico.

The following tests should be applied to the issues of every question for debate:

1. Does each issue include only disputed matter?
2. Does each issue bear directly on the main proposition?
3. Do the issues collectively embrace all phases of the propositions?

### EXERCISES

1. Assign members of the class questions of current discussion, and let each student bring in at the next meeting a written statement of (a) why the subject is one of public discussion, (b) the state of the discussion at the present time, and (c) the opinions held by each side.

2. Point out the merits or demerits of the following definitions:

- (a) A *hammer* is something to hammer with.
- (b) A *hand* is a part of the body.
- (c) To *cap* is to dance like a goat.
- (d) Idiot (Gr. a private person). A person not holding a public office.
- (e) Fast. Something immovable; rapid in motion.
- (f) Jesus's definition of "neighbor" as given in Luke x, 30-36.
- (g) Life is the definite combination of heterogeneous changes, both simultaneous and successive in correspondence with eternal coexistences and sequences.
- (h) The proposition is peace. Not peace through the medium of war; not peace to be hunted through the



labyrinth of intricate and endless negotiations; not peace to arise out of universal discord fomented, from principle, in all parts of the empire; not peace to depend on the juridical determination of perplexing questions, or the precise marking the shadowy boundaries of a complex government.

- (i) What is a friend? I will tell you. It is a person with whom you dare to be yourself. Your soul can go naked with him. He seems to ask of you to put on nothing, only to be what you are. He does not want you to be better or worse. When you are with him you feel as a prisoner feels who has been declared innocent. You do not have to be on your guard. You can say what you think, express what you feel. He is shocked at nothing, offended at nothing, so long as it is genuinely you. He understands those contradictions in your nature that lead others to misjudge you. With him you breathe freely. You can take off your coat and loosen your collar. You can avow your little vanities and envies and hates and vicious sparks, your meanness and absurdities, and in opening them up to him they are lost, dissolved in the white ocean of his loyalty. He understands. You do not have to be careful. You can abuse, neglect him, berate him. Best of all you can keep still with him. It makes no matter. He likes you. He is like fire, that purifies all you do. He is like water, that cleanses all you say. He is like wine, that warms you to the bone. He understands, he understands, he understands. You can weep with him, laugh with him, sin with him, pray with him. Through and underneath it all he sees, knows, and loves you. A friend, I repeat, is the one with whom you dare to be yourself.—Dr. Frank Crane.

3. Define the following terms by one or more of the various methods suggested in the previous chapter:

Monroe doctrine	Annexation
Compulsory arbitration	Liberal construction

Presumption	Government by injunction
Dispensary system	City manager plan
Wage schedule	Des Moines plan
Capital punishment	Government by commission
Prohibition party	Autonomy
Socialism	Industrial education
Open shop	Mass play
Equal suffrage	The mutation theory
Protectorate	Professional coach
Yellow peril	Classical education

4. Point out how much definition is necessary in the following questions:

- (a) Association football is preferable to the Rugby game.
- (b) Trusts should be suppressed.
- (c) American colleges and universities should adopt the elective system.
- (d) Oral English should be a required study in all high schools.

5. Determine the irrelevant matter in the following:

- (a) Eight hours should be the standard of a day's work.
- (b) The United States should have an inheritance tax.
- (c) Women should be given the ballot on equal terms with men.

6. State the admitted matter in the following:

- (a) The honor system should be employed in the examination of high schools and colleges.
- (b) Negroes should neither be enlisted nor commissioned in the United States regular army.
- (c) Any further centralization of power in the Federal Government should be opposed by all citizens.

7. On the basis of the interests involved, determine the main issues in:

- (a) Fraternities should not be allowed in this institution.
- (b) The faculty of this institution should have the right of censorship of student publications.
- (c) The publication of cartoons of public men should not be permitted.

8. State the clash of opinion on the following questions by

enumerating the contentions on both the affirmative and the negative sides:

- (a) Women should be granted the suffrage on equal terms with men.
  - (b) Prohibition is the best solution of the liquor problem.
  - (c) Excepting English, the elective system of studies should be adopted in high schools.
9. Let each member of the class analyze an assigned question for debate (see Appendix), the results to be given in either oral or written reports at the next exercise.

### III

#### PROOF

**H**AVING analyzed the question and so got an idea of the work to be done, the debater is now ready to proceed to his proof, or argument proper. It is the purpose of this chapter to deal with proof only in its broad outlines; more detailed features of the same general subject will be considered in succeeding chapters.

*What is proof?*—Proof has been defined as “sufficient reason for asserting a proposition as true.” Webster defines it as “any effort, process, or operation designed to discover a fact or truth.” Thus we see that proof is a process—an operation which uses the known to establish the unknown. It is a reaching out after and securing knowledge of which we are ignorant or uncertain; and as we reason from the known to the unknown, we use as a basis for proof those facts and principles which we already know. A proposition may be said to be proved when the mind that we wish to convince is satisfied that the proposition is true.

Proof involves two elements—Evidence and Argument. These will be discussed in the following two chapters.

*Proof vs. Assertion.*—The amateur debater must first of all learn that *asserting is not debating*. Real debating requires that every assertion material to a question must be supported by proof. To reason is to state relevant facts or experiences, and to draw inferences from these facts and experiences, in support of a proposition. The statement of a matter as a fact, or of a belief as a truth, without stating the reasons on which the conclusion is based, is mere assertiveness. Not amateur debaters alone need to be on their guard against assertiveness—the fault is also illustrated, as has previously been suggested, in the dogmatism of the preacher or teacher, and generally in the bigotry of persons in all walks of life when called upon to present some evidence of the truth of their assertions. If a man says that he knows a thing or believes a thing, he must show how he knows it or why he believes it. A minister once came to Jeremiah Mason, the famous trial lawyer, and said: “Mr. Mason, I have seen an angel from heaven who told me that your client was innocent.” “Yes,” replied Mason, “and did he tell you how to prove it?”

“How can I prove it?” is the constantly recurring question in debate. As a preliminary to the search for proof the student should first of all subject himself to a severe self-scrutiny and note what clearly defined opinions he already has on the subject under discussion; what opinions are based upon personal knowledge, or upon experience or evidence of some sort that he can lay his hands on;

and what opinions rest on vague impressions, early teaching, and prejudice, or upon the desire that this or that side of the question may be true. By such a preliminary examination of the content of his own mind he will clear the approach to the proof of a great deal of rubbish, and will clear his mind for action. This process of excluding impressions and prejudices, as a question is taken up for debate, is not always easy. "The best minds," says Victor Hugo, in his *Les Misérables*, "have their fetishes, and at times feel vaguely wounded by any respect on the part of logic." "It is no proof of a man's understanding," says Emerson, "to be able to confirm whatever he pleases." It is not only no proof of his understanding, it is no compliment to his intelligence.

*Assumption.*—An exception to the rule that in argument every material assertion must be supported by proof is found in the legitimate use of assumptions. An assumption is the provisional or absolute acceptance of a certain truth without reference to proof—taking a thing for granted. The provisional acceptance of an alleged truth is a method of reasoning largely used in scientific investigation. The method consists of either of two processes, known as deduction and induction. In deduction a general law or hypothesis is first assumed, and then all instances or phenomena are brought within this general law; and the inverse method, or induction, which proceeds from particulars to the general law, assumes that all instances are like those examined. In mathematics

an assumption is called an axiom; in practical affairs, a maxim. The ordinary proverb is simply the expression of the common experience or common knowledge of mankind. In one of his addresses, David Starr Jordan says: "We know that if the youth fall not the man will stand. I shall not argue this question. I assume it as a fact of experience, and it is this fact which gives our public school system the right to exist."<sup>1</sup> In this instance a common proverb, "As the twig is bent the tree is inclined," is used as the basis for the support of our system of public schools. And, generally, in every-day discussions assumptions are the ultimate basis of much reasoning. The point to be guarded against is that nothing be assumed unless it is generally *accepted* as true. That is, whenever an assumption has an argumentative force, it must itself rest on the assumption of general acceptance without the necessity for proof. The force of the argument from authority (later considered) rests on the assumption that the authority quoted will be accepted as authoritative.

Assumptions, then, are widely serviceable as a basis for much argument. It will be seen, however, that they readily shade off into presumptions. An assumption may vary in force from the certainty of a self-evident proposition to a mere guess. And the test of its argumentative force, it should be remembered, is its effect on the mind of a hearer. The moment that the truth of an

<sup>1</sup> *Care and Culture of Men*, p. 84.

assumption is questioned, proof to support it becomes necessary.

*Varying degrees of possible proof.*—In common usage proof means the establishment of a greater or less probability as to the truth of a given proposition. When we argue current political or economic questions, our proof must always fall short of mathematical demonstration; the very fact that such questions are in dispute implies that they cannot be settled by syllogisms. Outside of mathematics and logic, then, and from the viewpoint of ordinary debate, we may properly speak of *degrees* of proof. The degree of conclusiveness that may be reached in an argument will depend upon the nature of the question. Proof or disproof may vary from practically absolute conclusiveness to a mere presumption of truth.

As determining the degree of possible proof, two classes of questions for debate may be considered. These are: (1) Questions of Fact, wherein the argument mainly rests on past experiences or present conditions; and (2) Questions of Policy, wherein the truth of the proposition must be tested, at least in part, by future experiences.

1. "A fact is a past happening or present condition." In a question of fact, then, something has happened or exists; the process of proof consists in showing what that something is. Such questions are therefore capable of a greater degree of approximation to absolute conclusiveness of proof than is possible in questions of policy. Now, in questions of fact three classes of facts are to be



dealt with: First, those facts that are admitted or conclusively proved; second, the facts that are in doubt, which must be determined from the evidence to be presented; and, third, the facts that are to be inferred from the facts that are admitted or proved. These three classes of facts represent the steps in the proof in an ordinary trial at law. First, there is the statement of the facts in the case which both sides admit—including those matters of which the court will take “judicial notice”; secondly, the proof of facts in issue; and, thirdly, the conclusions of fact drawn by the verdict of the jury, which records those facts proved by either “a fair preponderance of evidence” or “beyond a reasonable doubt,” as the case may be. And so in debate generally: First, certain facts are admitted by both sides at the outset; second, certain facts are to be proved—the issues in the debate; and third, certain facts or conclusions are to be inferred from the proof presented.

2. In questions of policy the proof relates not to what has happened, but to what should happen. But while the conclusion to be reached looks toward the future, the argument must almost always be grounded on facts. Take, for example, the question of government ownership of railroads in the United States. The usual line of proof would be: (1) The existing evils in railway management demand correction; (2) government ownership has proved beneficial in other countries; and (3) it would prove beneficial in this country. Or again, questions of policy can usually be reduced

to these two issues: (1) Would the adoption of the plan proposed be to our interest? (2) Would it be in accord with principle? These are the two main issues in the argument of such questions, for example, as the permanent retention of the Philippine Islands or the annexation of Cuba—(1) Will it pay? and (2) is it right? And if it can be shown that interest and principle coincide, a strong argument results.

But in all questions of policy, it will be readily seen, absolute proof or disproof is impossible. And the test is, Has the advocate of this policy made out such a case that a reasonable man should act on it? The test proceeds on the principle that that proof which convinces an honest seeker of the truth should convince an honest hearer. No reform—political, social, humanitarian, or religious—can be proposed against which valid objections cannot be urged. The test is, do such objections outweigh the proved advantages?

*The burden of proof.*—By this is meant, “the obligation resting upon one or the other of the parties to a controversy to establish by proofs a given proposition before being entitled to receive an answer from the other side.” To put it another way, the burden of proof is that obligation resting upon the side that would be assumed to be defeated if no progress were made in the discussion.

In the evolution of the law, a large number of rules have been established for governing the burden of proof, with many of which even the layman is familiar. Thayer's *Preliminary Treatise*

*on Evidence* reduces the doctrine of legal presumptions to the following four maxims:

- (1) No one shall, in the first instance, be called on to prove a negative, or be put on his defense, without sufficient evidence against him having been offered, which, if not contradicted or explained, would be conclusive.
- (2) The affirmative of the issue must be proved; otherwise men might be called upon by a stranger to prove the title to their property, which they might often be unable to do, though the title was in fact good.
- (3) Possession is *prima facie* evidence of property. . . .
- (4) Whatever anything appears or professes to be is considered to be the fact, until the contrary is proved.

In conformity to these legal rules, the side which has the affirmative of the issue in a debate is said to have the burden of proof. That is, the burden of proof is upon him who would change a present custom, who attacks one's character or motives, who proposes a change in the established order of things, who champions a new plan or policy, who argues counter to the prevalent practice, belief, or opinion. Corresponding to Thayer's fourth maxim, as given above, we might say that the general presumption is that "whatever is, is right"—until it is proved wrong. And as in law, there are in debating generally various degrees of presumption, depending upon the nature of the proposition, and the time when, and locality where, it is proposed. For example, the presumption in the United States has always been against a monarchical form of government; in Russia, the presumption has been

shifted from a monarchical to a republican form; while in Spain the presumption is in favor of a monarchy. So, in the Southern States the presumption is in favor of a strict construction of the Constitution as to the reserved rights of the States, while in the North the presumption leans toward a more liberal construction and a stronger central government.

The shrewd debater will always take advantage of any presumptions in his favor; and if, on the other hand, the argument seems against him on the surface, he will aim to change such presumption. It very frequently happens that the first efforts of the debater must be directed to combating popular prejudices or preconceived opinions. The burden of proof may be shifted in various ways, depending, of course, upon the question. It may be done by showing that the speaker and the hearers are, after all, not so far apart as might appear on first thought, that seeming differences are more apparent than real; by showing that one's ideas are not new or revolutionary; or by showing the intrinsic reasonableness of the proposition. Suppose, for example, one is arguing in favor of suffrage for women. He has existing conditions and, perhaps, popular opinion against him. He might argue that the underlying idea of popular government is, that all citizens have the right to participate in the government through the suffrage, provided they are capable of expressing themselves intelligently on its operations. Hence all male citizens except minors, idiots, and criminals

are allowed to vote. Women are also disfranchised, but for reasons now obsolete and merely traditional—since the political privileges of women have not kept pace with their emancipation from the social and intellectual bondage of the past. It is therefore for those who oppose granting women the suffrage to show why we should continue this anachronism.

The following examples of attempts to shift the burden of proof, in intercollegiate debates, will illustrate how the matter has been worked out in actual practice.

On the question, "Should the United States retain permanent control of the Philippine Islands?" the first speaker on the affirmative anticipated the charge of imperialism that he knew was likely to come from a Southern audience, as follows:

We disclaim, at the outset, any intention or tendency of this Government to embark upon a general imperialistic policy in the sense of subjecting other peoples to our rule for selfish objects. If it is imperialism to hold the Philippines because of the "consent of the governed" doctrine, then Jefferson was the prince of imperialists when he purchased the Louisiana Territory over the protests of the inhabitants. If you say that the purchase of the Philippines is not an analogous case because of distance, I answer that by the extended use of steam and electricity, Washington is nearer Manila to-day than it was to St. Louis or New Orleans in 1803. But, it is said, great evils must result from the addition of these islands to our territory. Let me remind you that *every* addition of territory to our country (and we have been expansionists from the beginning of our his-

tory) was prophesied to portend the downfall of the Republic, while as a matter of fact each accession has proved a mutual blessing to both the United States and the country added. When the addition of Louisiana was proposed, for example, in a speech in Congress Josiah Quincy said: "If this bill passes, the bonds of the Union are virtually dissolved. The Constitution was never intended and cannot be strained to overlap the wilderness of the West. You have no authority to throw the rights and liberties and prosperity of this people into hotchpot with the wild men of Missouri, nor with the mixed race of Anglo-Gallo-Americans who bask on the sands in the mouth of the Mississippi. This bill, if it passes, is a death-blow to the Constitution." But the bill passed, our Constitution survives, our Union is more powerfully cemented than ever, and the thrift and enterprise of this great Southern metropolis suggest anything else than basking on the sands of the Mississippi.<sup>1</sup>

Again, on the proposition to have compulsory arbitration of disputes between public-service corporations and their employees, the first speaker on the affirmative argued that such changes had been wrought in industrial conditions as to demand the remedy proposed, and closed as follows:

Having seen every form of industry affected by strikes on railroads, having witnessed destruction of property, do the gentlemen of the negative venture to say that the existing relations between railroads and their employees are satisfactory; do they deny that the present methods are inadequate to meet the problem that confronts us; and do they consider that such a problem does not demand solution?

<sup>1</sup> From the Texas-Tulane debate of 1901.

The first speaker on the negative, by the question-asking method, thus attempted to shift the burden of proof:

It is a little bit remarkable, perhaps, that one should open a debate without outlining it in some way, and without even telling what the gentlemen for the affirmative expect to prove. It is barely possible they don't expect to prove anything. Since they do not take upon themselves the burden of proving anything, I would say that we, for the negative, require and challenge them to prove at least four main propositions: (1) the need in this country for compulsory boards of adjustment of labor disputes; (2) the practicability or workability of the scheme proposed; (3) the possibility in the face of American thought and the spirit of our institutions and, indeed, in the face of our Federal Constitution itself—especially the thirteenth amendment, which declares that “no one shall be subject to involuntary servitude except as a punishment for crime”; and (4) the gentlemen for the affirmative must prove that the proposed scheme is expedient and politic.

And now we have come here to learn. We are conscientiously seeking for some practical, expedient, sensible means of curing one of our country's great evils—quarrels between public corporations and their employees. We recognize that evil; I will answer the gentlemen, we don't deny that evil; and we are as earnestly and conscientiously looking for the cure as are the gentlemen for the affirmative; but we are going to look pretty sharp to see, first, that the panacea proposed is a cure; and, second, that the cure is not worse than the disease.<sup>1</sup>

<sup>1</sup> From the Cornell-Pennsylvania debate of 1897.

We have noticed some of the technical points as to burden of proof and presumptions. But the demands of general debating are not satisfied by observing strictly legal rules, or even by satisfying the demands of logic. This admonition may therefore well be heeded: In general debating, do not attempt to rest your argument upon technical presumptions. True, a lawyer may get a prisoner free by discovering a flaw in the indictment; or he may decline to put his client on the witness-stand in his own defense. But it is well known that this does not ordinarily convince the public of the prisoner's innocence. So, in general debate, the question is not, for example, whether a plan proposed will meet the objections urged by its opponents, but the question in the public mind is, Will it, on the whole, be a good plan to adopt? The debater must not so much attempt to shift some purely technical burden of proof as the real burden of doubt in the mind of the hearers. It is to be remembered, too, that you cannot shift to an opponent what properly belongs to you—a thing that amateur debaters often attempt. The burden of proof is the proof that *either* side must assume, and is willing to assume, in order to establish the case; it represents the demand of the hearer: "Prove your case, if we are to believe it."

### EXERCISES

1. How much does prejudice or early training enter into your answers to the following questions, and what proof have you to offer to sustain your answers?



- (a) To what political party do you belong?
- (b) What church do you favor?
- (c) Do you approve of the present game of college football?
- (d) What is the best government on earth?
- (e) What is the best country in which to live? The best State of the United States? The best town?

2. What is the proposition for proof in the following speech? Is the proposition proved? If not, why not?

"If there be any in this assembly, any dear friend of Cæsar's, to him I say that, Brutus' love to Cæsar was no less than his. If then that friend demand why Brutus rose against Cæsar, this is my answer: Not that I lov'd Cæsar less, but that I lov'd Rome more. Had you rather Cæsar were living, and die all slaves, than that Cæsar were dead, to live all free men? As Cæsar lov'd me, I weep for him; as he was fortunate, I rejoice at it; as he was valiant, I honor him; but, as he was ambitious, I slew him. There is tears for his love; joy for his fortune; honor for his valor; and death for his ambition. Who is here so base that would be a bondman? If any, speak; for him have I offended. Who is here so rude that would not be a Roman? If any, speak; for him have I offended. Who is here so vile that will not love his country? If any, speak; for him I offended."

3. In the following propositions, determine those which might properly be used as assumptions, in the course of an argument, those which are only presumptions, and those which are mere assertions:

- (a) A rolling stone gathers no moss.
- (b) Every cloud has a silver lining.
- (c) Honesty is the best policy.
- (d) You should decide this question, not on the basis of your individual interest alone, but on the basic principle of "the greatest good to the greatest number."
- (e) A law may be a good law for a given community, though a bad law for individuals in the community.
- (f) The Bible is the inspired word of God.
- (g) Roosevelt is an honest man.

- (h) The President of Mexico is a weak man.
  - (i) Government in the United States is tending to become unduly centralized.
4. Determine the degree of possible proof in each of the following questions:
- (a) Men are growing more humane.
  - (b) People living in southern latitudes are more cruel to dumb animals than those living in the north.
  - (c) According to non-Euclidian geometry, two parallel lines may meet.
  - (d) The earth revolves about the sun.
  - (e) Aaron Burr was chiefly at fault in causing the duel between himself and Alexander Hamilton.
  - (f) Japanese coolies should not be allowed to immigrate to the United States.
5. Can you justify the pupil's reply in the following dialogue:  
"Have you proved this proposition?" asked the teacher of a class in geometry. "Well," replied the pupil, "*proved* is a rather strong word; but I can say that I have rendered it highly probable."
6. Where does the burden of proof lie in the following questions, and why?
- (a) Aaron Burr was guilty of treason.
  - (b) The United States Government should have general charge of interstate railway passenger rates.
  - (c) Germany was justified in sinking the *Lusitania*.
7. Let each member of the class analyze an assigned question for debate (see Appendix), the results to be given in either oral or written reports at the next exercise.

## IV

### EVIDENCE

**F***ACTS and Evidence.*—The establishment of facts, and the inferences therefrom, are the basis of all processes of reasoning. A single fact is frequently more convincing than a long array of theories and generalizations. “A popular assembly,” says Emerson, “like the House of Commons, or the French Chamber, or the American Congress, is commanded by these two powers—first by a fact, then by skill of statement.”

Evidence is the raw material that is convincing in itself or may be used as a basis from which other facts or inferences may be drawn.

#### A. NATURE OF EVIDENCE

Evidence may be said to be (1) Direct and (2) Indirect. In legal parlance, the terms Testimonial and Circumstantial evidence are used. *Direct evidence* consists of facts that apply immediately to the case under consideration. *Indirect evidence* bears on other facts which in turn apply to the case in dispute. *Testimonial evidence*, on the other hand, while direct, is usually limited to that given

by human witnesses. *Circumstantial evidence* is always indirect and refers to facts obtained through inferences or in any manner not directly through a witness. Mr. Huxley in his *American Addresses* makes this distinction clear:

The evidence as to the occurrence of any event in past time may be ranged under two heads which, for convenience' sake, I will speak of as testimonial evidence and circumstantial evidence. By testimonial evidence I mean human testimony; and by circumstantial evidence I mean evidence which is not human testimony. Let me illustrate by a familiar example what I understand by these two kinds of evidence, and what is to be said respecting their value.

Suppose that a man tells you that he saw a person strike another and kill him; that is testimonial evidence of the fact of murder. But it is possible to have circumstantial evidence of the fact of murder; that is to say, you may find a man dying with a wound upon his head having exactly the form and character of the wound which is made by an ax, and, with due care in taking surrounding circumstances into account, you may conclude with the utmost certainty that the man has been murdered; that his death is the consequence of a blow inflicted by another man with that implement. We are very much in the habit of considering circumstantial evidence as of less value than testimonial evidence; and it may be that, where the circumstances are not perfectly clear and intelligible, it is a dangerous and unsafe kind of evidence; but it must not be forgotten that, in many cases, circumstantial is quite as conclusive as testimonial evidence, and that, not unfrequently, it is a great deal weightier than testimonial evidence. For example, take the case to which I referred just now.

The circumstantial evidence may be better and more convincing than the testimonial evidence; for it may be impossible, under the conditions that I have defined, to suppose that the man met his death from any cause but the violent blow of an ax wielded by another man. The circumstantial evidence in favor of a murder having been committed, in that case, is as complete and as convincing as evidence can be. It is evidence which is open to no doubt and to no falsification. But the testimony of a witness is open to multitudinous doubts. He may have been mistaken. He may have been actuated by malice. It has constantly happened that even an accurate man has declared that a thing has happened in this, or that, or the other way, when a careful analysis of the circumstantial evidence has shown that it did not happen in that way, but in some other way.

**DIRECT EVIDENCE.**—This positive evidence is of inestimable value to the lawyer and in all questions of fact. It is very conclusive and convincing. "Facts are stubborn things" and prove by their mere presence. Even the disciple Thomas was convinced of the resurrection of Jesus when he was permitted to place his hands in the wounds of the Saviour. Four kinds of direct evidence are usually recognized:

1. *Judicial Notice.*—This includes a certain group of facts that is considered common knowledge; facts that everybody connected with the case is expected to know; matters of which the court in legal procedure takes "judicial notice." Examples: Washington is the capital of the United States; The sun rises in the east.

2. *Demonstrative.*—Evidence that can be repre-

sented to the senses, that can be seen, heard, felt, etc. It is the *res ipse*, or the thing itself. Should the question arise whether or not a man had his arm broken in a railway accident, the broken limb itself would be conclusive proof of the fact. Or, if it were questioned whether or not a certain man had made a will before he died, the exhibition of the will in question would be demonstrative evidence.

3. *Documentary*.—To prove that two parties had agreed to marry, their correspondence embodying such agreement might be presented. And, generally, any written statement attesting to the facts in dispute would be documentary evidence.

4. *Testimony*.—Evidence presented by a human witness—one who has direct knowledge of the facts. It must not be “hearsay,” or the repetition of what he has heard others say, nor what he thinks, unless giving expert testimony, but what he has actually seen or heard—what he himself knows to be true to his best knowledge and belief.

INDIRECT EVIDENCE.—Sometimes the facts or circumstances in dispute are of such character that they cannot be brought forth through direct evidence, or perhaps there is no living witness to offer testimonial evidence. In such cases one must arrive at the facts by a series of other facts, which by experience has been found so associated with the facts in question that they lead us to a satisfactory and inevitable conclusion. This is circumstantial evidence. Robinson Crusoe saw the print of a human foot in the sand, and concluded that some human being had visited his island. He had

not seen any one, but his inference based on past experience could lead to no other satisfactory conclusion.

The value of circumstantial evidence depends on (1) the basic facts from which we draw inferences, and (2) the correctness of the reasoning process.

Circumstantial evidence, I need hardly tell you, is most delusive in its character. Analyzed, what do we find it to be? It has been truly argued that there is, and can be, no cause without an effect. In considering circumstantial evidence, the mind of the investigator is presented with the relation of a number of facts, or effects, and he is asked to deduce that they are all attributable to a stated cause. For example, a peddler is known to have started out upon a lonely road, and to have in his pack certain wares, a given amount of money in specified coins and bills, wearing a watch and chain, and he is subsequently found murdered, by the wayside. Later, a tramp is arrested upon whose person is found the exact missing money, and many of the articles which were known to have been in the pack. He is charged with the crime, and the evidence against him is circumstantial. His possession of these articles is an effect, which is said to be attributable to a cause, to wit, the killing of the peddler. But strong as such evidence may appear, as I have said, it is delusive. For just as the prosecution asks you to believe that a number of effects are traceable to a single cause, the crime charged, so also it is possible that all of the effects may have resulted from various causes. Thus in the case cited the tramp may have been a thief, and may have stolen the articles from the peddler after some other person had killed him. And if it could be shown that the watch and chain were missing, and yet were not found upon

the tramp, that would be as good evidence in his favor as the other facts are against him. So that in circumstantial evidence the chain must be complete. If a single link be missing, or have a flaw, the argument is inconclusive, and a doubt is created, the benefit of which must invariably be given in favor of the accused.<sup>1</sup>

The debater gets his facts from his own knowledge of the matters in question, from talking with others who are qualified to speak, and yet more from "documentary" evidence—official publications, books, periodicals, and newspapers—and from the facts so gathered he reaches, by a process of reasoning, certain conclusions as to facts in dispute.

In legal procedure a large number of principles and rules relative to the value and admissibility of various kinds of evidence have been formulated in a code of practice. The debater is bound by no such rules; and yet, since these rules of law are based on the common judgment of mankind, the debater should be slow to use what a court of law would reject.

#### TESTS AS TO THE NATURE OF EVIDENCE

1. It should be definite.
2. It should be complete.
3. It should be consistent (a) with itself, (b) with other facts in the case, and (c) with ordinary experience.

The foregoing tests should be applied to the

<sup>1</sup> Ottolengui, *Modern Wizard*, p. 170.



testimony of the witness on the stand, and to the evidence presented in a debate. Evidence, to be convincing, must meet these tests—tests that we are not now applying to the witness or the authority, but to the evidence standing by itself.

1. *Evidence must be definite.*—Testimony that is vague and ambiguous is of little value. Very frequently a debater talks around the subject. His statistics are not accurate, and his inferences vague and uncertain. He is said to be “bluffing.” He does not know what he is talking about, but wishes to make it appear that he does. Not only must the facts submitted be accurate, but the language expressing these facts must be definite.

2. *Evidence should be complete.*—A half-truth is a very doubtful proposition, and not infrequently an untruth. Witnesses are sworn to “tell the truth, the whole truth, and nothing but the truth.” When a debater stops short of a complete statement of the facts or evidence, and conceals that part of the truth which may be harmful to his side—such procedure, when exposed, only reacts, as it should, detrimentally to his whole argument. A debater can easily prejudice an audience against his case by being overzealous in upholding his side of the question at the sacrifice of well-known and obvious facts to the contrary. He then no longer appears to be seeking the truth, but to win. Every debater must meet each issue squarely, and not present facts and figures that are directly misleading. Yet many students persist in making the “worse appear the better reason,” and will call

black white if they think their opponents will not detect the erroneous statements. Such procedure cannot be too emphatically condemned.

3. *Evidence should be consistent:*

- (a) *With itself.*—Is the evidence credible, regardless of its comparison with other known facts? Does it in itself hang together? Is it self-consistent or self-contradictory? In a trial at law, it is not infrequently the purpose of the cross-examination to bring forth contradictory statements—to lead the witness to impeach himself. And so the debater generally must be constantly on his guard against inconsistencies in the evidence he examines. Macaulay, for example, in his review of Croker's edition of *Boswell's Johnson*, points out the following contradictions on the part of the editor:

Mr. Croker tells us in a note that Derrick, who was master of the ceremonies at Bath, died very poor in 1760. We read on; and, a few pages later, we find Dr. Johnson and Boswell talking of this same Derrick as still living and reigning, as having retrieved his character, as possessing so much power over his subjects at Bath that his opposition might be fatal to Sheridan's lectures on oratory. And all this in 1763. The fact is, that Derrick died in 1769. . . . In one note we read that Sir Herbert Croft . . . died in 1805. Another note in the same volume states that this same Herbert Croft died . . . on the 27th of April, 1816.

- (b) *It should be consistent with the other facts in the case.*—Any evidence that varies materially from facts already proved or generally accepted is at once open to suspicion and is ordinarily discredited. The evidence as a whole must hang together. Evidence at variance with a *clearly established* fact is worthless. It is told of Lincoln that in a certain case he elicited from a witness, in considerable detail, testimony of things seen by the aid of the moonlight on a certain night. An almanac was then introduced to show that there was no moon on the night in question.
- (c) *It should be consistent with ordinary experience.*—People are slow to believe anything that fails to tally with human nature and experience. Is an allegation true, on the face of it? is a test question constantly applied. Is it reasonable? Is it in accord with common sense? Is it consistent with the natural course of affairs? This is one of the tests that the trial lawyer, both in cross-examination and in the closing argument, is frequently called upon to apply. In the celebrated case of *Rex vs. Forbes*, for example, one Doctor McNamara testified that he saw the defendant hurl a bottle at the Lord-Lieutenant of Ireland from the upper gallery of a theater. The defendant's attorney, John Henry North, attacked this testimony as follows:

The Doctor in the middle gallery sees Handwich in the third row of the upper one, though between them there were two benches covered with people, and the boarded parapet in front of the upper gallery besides! Through all these obstacles he sees him in that dark corner of the gallery where he represents him to be placed; sees him fling the bottle, and is now able, at this distance of time, to identify his person. The bottle itself he saw in what he learnedly calls its *transit*. A word or two on that same transit. I hold it physically impossible that a bottle could have taken the course described by Farrell McNamara, from the upper gallery to the stage, without being observed by four or five hundred spectators. Just think what the theater is: a wide, illuminated area, whose bounding surfaces are studded with eyes as numerous as those of Argus. Not a square inch in that field of view which was not painted on the retina of some one eye or other in that vast assembly. Consider, too, the time—the interval between the play and farce—when the attention of the audience was not fixed upon the stage, when people were all looking about them recognizing and greeting their friends and acquaintances. Was there no one to mark this bottle but Farrell McNamara, and the young medical student? What, not one giggling girl in the boxes, glancing around for admiration! not an opera-glass pointed! no fortunate observer of the transit but the astronomer from Ballinakill! Is all this credible? But this is not all—"voonders upon voonders," as the Dutchman said when he got to London—the

greatest miracle is to come. Down comes the bottle, thundering from the upper gallery to the stage, and falls unbroken!<sup>1</sup>

## B. SOURCES OF EVIDENCE

Knowledge is not hereditary. It does not fall like manna from heaven. Yet "Knowledge is power." "Keep your feet forever on a fact," said Emerson; "only then are you invincible." How do we get facts, knowledge and wisdom?

1. *Through Experience*.—Daily from childhood we have been accumulating experience. Not a day passes that we do not add to our knowledge; we never get too old to learn. Personal knowledge comes to us in two ways: (1) By observation, and (2) by experiment.

Whenever we observe the phenomena about us as they are found in nature we learn by Observation. The scientist watches the rat, how it lives, what it eats, and has opportunity to observe its degree of intelligence in many ways. But the scientist is not content with this mode of increasing his knowledge. He captures a number of rats, puts them in a specially constructed cage, and trains and watches them under test conditions, and in this way adds much to his knowledge of these animals which could not be secured in any other way.

2. *Through Testimony*.—Much of our information must come through others. Life is too brief to learn much through experience, so we accept facts

<sup>1</sup> *Great Speeches by Great Lawyers*, p. 659.

second-handed. We believe that they are true to the extent of our faith in the credibility and ability of the party informing us. Testimony that comes from a person whose opinions on certain matters are generally accepted is spoken of as an *Authority*.

But before placing much reliance in testimony, whether it be from authority or otherwise, it should be submitted to the following tests:

#### TESTS AS TO THE SOURCE OF EVIDENCE

The probative value of testimonial evidence is measured by the following tests of the witness: (1) Is he able and willing to perceive and tell the truth? (2) Has he had opportunity to know the facts? (3) Is he an expert? (4) Is he unprejudiced? (5) Does he speak from personal knowledge?

1. *Ability and Character*.—Is the witness mentally sound and reliable? Has he a keen perception? Does he see the things that are, and not see the things that are not? Two persons were once climbing a range of mountains. All at once one of them, a young boy, exclaimed, in great surprise, that he saw a terrible monster on the top of a mountain. It had long legs and arms, a hideous head, and was dancing vigorously, sometimes in midair. His companion saw no monster. The boy was positive. There was no doubt about it, until he discovered that a tiny spider had dropped with his web from the rim of the boy's hat and was dangling just in front of one of his eyes.

Imagining the object at a great distance made it appear large. Many people hear strange sounds, which they are equally positive come from their spiritual friends who have returned to earth. Keen perception is based on the correct interpretation of impressions received through the senses.

Other attributes of mental soundness are: a retentive memory and the power of sustained attention. Not only must a witness perceive accurately and retain clearly, but he must be capable of mentally dwelling on a percept until it becomes his own. Such power denotes the line of demarcation between the sane and the insane. Sustained attention is not possible in persons that have a weak mind, or those who are known as "mentally defective."

Finally, is the witness morally trustworthy? A liar is not believed even when he tells the truth. Every "character" witness is asked, "What is his reputation in his home community for truth and veracity?" And if one has a general reputation for untruthfulness, his testimony is of little or no value. The ordinary trial at law shows witnesses so at variance that it is frequently no small part of the lawyer's work to demonstrate who is telling the truth. Thus, in the Dalton divorce case, Rufus Choate attacked the testimony of one of the leading witnesses for the plaintiff as follows:

I begin, therefore, with the foundation witness in this case, John H. Coburn, and I respectfully submit to you, that tried by every test of credibility which the law recognizes, on your oaths you are bound to disbelieve

him. It is not that a laugh can be raised against Coburn or this testimony—that is nothing; it is that, according to those tests which are founded on the longest and widest experience the law deems satisfactory to show whether a jury can safely believe or not, he is not to be believed. I submit, then, that John H. Coburn is not an honest man, and is not, therefore, entitled to be heard in so delicate a work as bringing every word my client spoke on that evening to her husband; he is not an honest man, and I put it on your solemn oath to you, that there is not a man on this jury who, on the exhibition of John H. Coburn, would intrust him to carry a bundle worth five dollars from this court-house to the depot.<sup>1</sup>

2. *Opportunity to know the facts.*—Was the witness where he could get at the facts first-handed? Was he present when the accident in question occurred? Was he in the proper position to have been able to observe the facts? The testimony of Sam Weller, in Dickens's *Pickwick Papers*, is illustrative:

"Now, attend, Mr. Weller," said Serjeant Buzfuz. "You were in the passage, and yet you saw nothing of what was going forward. Have you a pair of eyes, Mr. Weller?"

"Yes, I have a pair of eyes," replied Sam, "and that's just it. If they were a pair o' patent double million magnifyin' gas microscopes of hextra power, p'raps I might be able to see through a flight o' stairs and a deal door, but bein' only eyes, you see, my wision's limited."

3. *Expert.*—The main question at issue here is, does the witness or the authority cited have a right

<sup>1</sup> *Great Speeches by Great Lawyers*, pp. 307-311.



to be believed because of his unusual knowledge of the facts relative to the case under discussion? He may have had an opportunity to know the facts, but *does* he know? He may be mentally sound, physically competent, and morally trustworthy, but has he exercised these functions in acquiring facts pertinent to the question at issue? A student may have attended a medical school for four years, graduated, passed the State board of examiners, and yet not be an authority on medicine. The question still remains, is he generally recognized as an authority on a particular subject? A man may be an authority on theology, and not qualify as an expert witness on plumbing. And merely because a man is a superintendent of schools or a teacher of zoölogy does not qualify him to be a judge of a declamation or debating contest.

A debater should seldom advance his own opinion, except on local questions about which he has direct knowledge, as his opinion cannot carry any weight unless he is an authority on the subject. It is presumption carried to the point of the ridiculous for the ordinary high-school or college debater to say, when discussing great problems of national import, "After studying this problem for six months I have come to the conclusion that it is thus and so." The "I know" and "I believe" of the student, when used at all, should be on questions of fact rather than on questions of policy.

Webster was recognized as an authority on constitutional law, and in the celebrated Smith Will Trial he used the personal pronoun with telling

effect. Mr. Choate, the opposing counsel, quoted a decision of Lord-Chancellor Camden. "But it is not *mine*," said Mr. Choate, "it is Lord Camden's." In reply Mr. Webster said: "Lord Camden was a great judge; he is respected by every American, for he was on our side in the Revolution; but, may it please your Honor, I differ from my Lord Camden." Webster had earned the right to the personal pronoun, but there was scarcely another lawyer in the United States at that time who could have used that expression without exposing himself to ridicule.

4. *Unprejudiced*.—Just as an admission against one's interest is considered inherently strong, so evidence that shows bias, from whatever motive, is inherently weak. Not that an interested witness may not tell the truth, but his evidence is apt to be viewed with more suspicion than the testimony of one who has no motive for desiring that this or that side of a disputed fact may be true. When we consider the fallibility of human testimony at its best, due to lack of accurate observation and memory, it is no wonder that the testimony of a prejudiced witness should be viewed with suspicion. The most honest of men are apt to see events as they hope to see them. A striking illustration of this is found in the conflicting reports of the Spanish and American commissions that investigated the cause of the destruction of the battle-ship *Maine*. With the same facts before them, the two commissions reached conclusions diametrically opposed to each other. So, expert

testimony in trials at law is nowadays apt to be discredited, since the expert usually has either a financial or professional interest in the outcome.

5. *Personal Knowledge*.—In seeking evidence on a fact in dispute, the evidence should be adduced from original sources, whenever possible. Second-hand knowledge is relatively weak. Hence the general rule in law that “hearsay” evidence is inadmissible; “its intrinsic weakness,” says Greenleaf, “its incompetency to satisfy the mind as to the existence of the fact, and the frauds that may be practised under its cover, combine to support the rule.” In argumentation generally, the farther the evidence of a fact in question is removed from the personal knowledge of a witness the weaker the evidence becomes. Thus, in questions of governmental administration official publications are far more trustworthy than newspaper reports. If one were arguing the question, “Should Cuba be annexed to the United States?” and the question arose as to the desire of the inhabitants of Cuba regarding annexation, such desire could be best shown, not by the reports of travelers in the island, or by the reports of our consuls there, but by the statements of representative Cubans themselves. So, on the question of the incorporation of labor unions, the willingness of the unions to be incorporated must be proved, not by the testimony of an economist or a government official, but by the statements and actions of the labor leaders themselves. In the search for evidence, then, first-hand statements are first to be sought. The debater

must ask himself, Is this the best available testimony that can be adduced?

### C. TESTIMONY ESPECIALLY VALUABLE

All testimony has not the same weight. It will vary with different witnesses and with different circumstances. These fall under four groups:

1. *Testimony by the opposition.*—Witnesses that belong to one side of the case, say that of the plaintiff, are usually cross-questioned by the opposing attorney in an attempt to elicit information of value to the defendant. Such information has special value in the minds of the jury. So, authors quoted by those arguing one side of a question in a debate may be quoted with telling effect by those maintaining the other side.

2. *Unwilling Testimony.*—By unwilling testimony is meant any concessions or admissions by a witness that are hostile to his interests. If the owner of a line of steamships makes statements in opposition to ship subsidies, or a manufacturer to a protective tariff, this would be taken as strong evidence—unless, of course, it be shown that in some way the witness's interests are not really opposed to his statements, such as his desire to destroy a competing rival or to engage in a new business not needing protection. In the following argument, Senator Albert J. Beveridge shows that while corporations having to do with interstate commerce might naturally be supposed to favor "centralization" as opposed to "States' rights,"

still their interests sometimes lie in favoring the latter doctrine:

Powerful interests which exploit the people and the nation's resources can more easily handle a smaller portion of the American people for their purposes than they can handle the entire eighty millions of the people for their purposes. And if they are defeated in one State—one small subdivision of the American people—they always have forty-five other chances.

This analysis reveals the heart of the present battle against the people's instinctive effort toward national unity. Every corporation, so great that its business is nation-wide, is championing States' rights. Every railroad that has felt the regulating hand of the nation's Government is earnestly for States' rights. Every trust attorney is declaiming about "the dangers of centralization." . . . And does anybody doubt that the real reason of those mighty financial interests for engineering this twentieth-century crusade for States' rights is that they believe that by curbing the power of the American people expressed through the people's Congress they can better protect their plans for financial gain?<sup>1</sup>

3. *Negative Testimony*.—This class of evidence, also called "the testimony of silence," consists in "the failure of a witness to mention a fact so striking that he must have noticed it had it occurred." In his speech on "Conciliation" Burke based the following argument on negative testimony:

We see the sense of the Crown, and the sense of Parliament, on the productive nature of a *revenue by grant*. Now search the same journals for the produce of the

<sup>1</sup> *The Reader Magazine* for March, 1907.

*revenue by imposition.* Where is it? Let us know the volume and the page. What is the gross, what is the net produce? To what service is it applied? How have you appropriated its surplus? What, can none of the many skilful index-makers that we are now employing find any trace of it? Well, let them and that rest together. But are the journals, which say nothing of the revenue, as silent on the discontent? Oh no! a child may find it. It is the melancholy burden and blot of every page.

4. *Undesigned Testimony.*—By undesigned testimony is meant such evidence as a speaker or writer states inadvertently or incidentally, without any thought as to its value or bearing on a question in dispute. To be of value, however, such inadvertence must not amount to any suspicion of carelessness or inaccuracy. In the absence of any such suspicion, undesigned testimony, having behind it no motive or bias, ordinarily carries with it a strong presumption of its truthfulness. Webster makes use of such presumption in the White murder trial, as follows:

Mr. Southwick swears all that a man can swear. He has the best means of judging that could be had at the time. He tells you that he left his father's house at half-past ten o'clock, and as he passed to his own house in Brown Street he saw a man sitting on the steps of the rope-walk; that he passed him three times, and each time he held down his head, so that he did not see his face. That the man had on a cloak, which was not wrapped around him, and a glazed cap. That he took the man to be Frank Knapp at the time; that, when he went into his house, he told his wife that he thought it

was Frank Knapp; that he knew him well, having known him from a boy. And his wife swears that he did so tell her when he came home. What could mislead this witness at the time? He was not then suspecting Frank Knapp of anything. He could not then be influenced by any prejudice. If you believe that the witness saw Frank Knapp in this position at this time, it proves the case.

Again, in the trial of Mrs. Carman for the shooting of Mrs. Bailey, which occurred in the office of Mrs. Carman's husband, a dictagraph connection with the Carman residence having been installed, the following newspaper excerpt shows a bit of undesigned testimony secured from Mrs. Carman's daughter:

Elizabeth's most damaging bit of evidence, however, was given later. It was after she had told that she had come in from play and had gone to the piano to practise. This was at the time when Mrs. Carman had gone upstairs, also when Mrs. Bailey went in to see the doctor.

"How long did you stay at the piano?"

"About ten minutes, or fifteen," she replied.

"Did any one say anything to you about stopping playing?" she was asked.

"My mother did."

Those three words, uttered out of the innocence of a childish mouth telling the truth, may be the most fatal three words that little Elizabeth Carman may ever utter.

The dictagraph, according to experts, is hardest to be heard over when any music is about.

The foregoing are some of the tests governing the value of evidence adduced from our common experience with witnesses of all kinds. In general

debate the main point to be remembered is, that the value of the evidence produced should be clearly brought out in the course of the argument. In a legal trial, a lawyer has an opportunity of testing evidence by the examination and cross-examination of witnesses. The general debater has no such opportunity. He must usually present his evidence from the published statements of the witnesses, and he must be able to show in a few words why the evidence is to be believed, to point out the difference between second-hand testimony, based upon mere rumor or newspaper gossip, and that derived first-hand from capable and disinterested witnesses. When facts are in dispute, or when the setting forth of the facts is an essential step in the proof of a proposition, the handling of evidence has no small bearing on the effectiveness of an argument.

#### D. COLLECTING EVIDENCE

*Reading.*—Prior to determining upon a final line of proof, and sometimes, it may be, before a complete preliminary analysis is worked out, the student will need to do some reading on the question for debate; for questions are rare in which one can depend for arguments solely on his own experience and thought. But in view of two common faults of students in preparing debates, these two corresponding admonitions should be heeded: (1) *Do not make reading a substitute for thinking,* and (2) *Study both sides of the question.*



1. Thinking should precede, accompany, and follow any reading on the question under investigation. In taking up the consideration of any proposition for debate, the first thing is to take an inventory of the contents of your own mind. How does the question strike you as a citizen? What preconceived notions have you regarding it? Have you proof for opinions already formed? How does the question arise as a subject for discussion? What is the meaning of the proposition? What are the issues raised? And what lines of proof are necessary in order to establish the affirmative or the negative side? In other words, first of all analyze the question and your opinion and knowledge of it. Senator Albert J. Beveridge, in an article in the *Saturday Evening Post* of October 5, 1900, writes as follows:

The method commonly employed in preparing speeches is incorrect. That method is to read all the books one can get on the subject, take all the opinions that can be procured, make exhaustive notes, and then write the speech. Such a speech is nothing but a compilation. It is merely an arrangement of second-hand thought and observation and of other people's ideas. It never has the power of living and original thinking.

The true way is to take the elements of the problem in hand and, without consulting a book or an opinion, reason out from the very elements of the problem itself your solution of it, and then prepare your speech.

After this read, read, read, comprehensively, omnivorously, in order to see whether your original solution was not exploded a hundred years ago—aye, or a thousand; and also, to fortify and make accurate your own

thought. Read Matthew Arnold on *Literature and Dogma* and you will discover why it is necessary for you to read exhaustively on any subject about which you would think or write or speak. But, as you value your independence of mind—yes, even your vigor of mind—do not read other men's opinions upon the subject *before* you have clearly thought out your own conclusions from the premises of the elemental facts.

2. The necessity of studying both sides of the question will be shown more fully in succeeding chapters dealing with direct argument and refutation. The debater must know the strong and weak places in both the affirmative and negative sides; and he cannot know the weak places in his own argument until he knows what can be said against it. The beginner in argumentation is very apt to neglect the study of the other side; not by deliberately avoiding it, perhaps, but by seeking for only such material as will tend to confirm the side of the question that he wishes to establish. On the importance of studying the opposing side of a case, a great lawyer is said to have remarked, "If I have time to study only one side of a question, I study that of my adversary."

Not only should one read arguments on both sides of a question, he should aim to get a comprehensive grasp of the whole field of the discussion, to master the general situation or general principles involved before taking up the details of the issues raised in a particular question. The search for material should be pursued in the following order: (1) Books and periodicals that de-

with the question generally; (2) magazine articles or pamphlets bearing on the particular question, and (3) newspapers and reports—if the question is one in current discussion—for details as to evidence.

Generally speaking, four classes of material will be gathered from reading: (1) Simple facts; that is, facts not disputed by the opposing side, but which, as a groundwork for your argument, it is necessary the hearers should know. As to such facts, then, the main work is to get a clear and orderly statement for use as the basis of your proof. (2) Facts in dispute, whose value will depend upon the source, and whose acceptance by the hearers will depend upon the skill with which you show that the source of your information is reliable. In other words, all the tests of evidence, of witnesses, and of the argument from authority, will needs be brought to bear. (3) The arguments of others opposed to you. Such arguments should be carefully analyzed, and noted for future refutation. (4) The arguments of others in your favor. This class demands the gréatest care in its use. The arguments supporting your side should first be examined critically, to see if they are tenable and logical. Then, if accepted, adopt the substance, if you choose, but not the form. Do not borrow *en masse*, or even paraphrase. Such a method is not only dishonest (unless given as quoted matter), but ineffective: the stamp of the speaker's individuality is lacking. In using the arguments of others, then, avoid compilation and aim for origi-

nality; pass the matter through the crucible of your own mind and give it a new meaning, mold it into new forms and stamp it with your individual expression—in short, make it your own.

The preliminary reading for gathering evidence, therefore, should be (1) wide, so that the whole question, *pro* and *con*, is covered; (2) thorough, so that nothing essential is neglected; and (3) thoughtful, so that the matter is not swallowed whole, but mentally assimilated.

**SOURCES FOR MATERIAL.**—As soon as a subject has been assigned or selected, the first question that a student is prone to ask the instructor is, "Where can I find material on this subject?" The answer to this question cannot be determined satisfactorily without knowing the nature of the question under consideration and the resources at hand upon which the debater may draw. A few suggestions may be helpful.

First of all the student must search his own mind and take an inventory of what he finds there on the subject. He often has stored away much material gained through observation and experience that will be very helpful. Then, in the second place, he should determine what books and periodicals that are accessible to him bear on the question; and lastly, secure whatever additional information he can from any or all of the following sources:

1. *Personal Interviews.*—On questions of local import, the debater should interview men and women

in his community who are qualified to speak authoritatively upon the question. Most citizens are glad to aid in this manner, and the information and ideas thereby secured offer a source for material that is often neglected.

2. *Personal Letters*.—Letters to persons of more than local repute offer a fruitful field for information. And men of national reputation seldom refuse an opinion upon subjects upon which they are an authority. The presidents of state and national federations and associations, such as the American Bar Association, American Federation of Labor, National Manufacturers Association, National Brewers Association, National Woman Suffrage Association, etc., are very generous with their information. Letters addressed to them should be brief, specific, and definite. It is a good plan to number your questions and have them so framed that they can be answered by "yes" or "no." A self-addressed stamped envelope should always be inclosed. It is also a good policy to state the purpose for which you desire the information; for certain organizations are anxious to have their point of view presented to the public upon occasions of public discussion.

3. *Books*.—Consult such books that you think may treat either directly or remotely on the subject, as indicated by the table of contents. An encyclopedia is helpful in starting the investigation of a question. Bliss's *Encyclopedia of Social Reform* is especially valuable on all social and economic

questions. Various "year books" give reliable statistics on nearly any subject.

4. *Periodicals*.—These offer a very satisfactory source on any subject that is likely to be debated. Consult the *Reader's Guide*, *Poole's Index*, and *Annual Library Index*. These will be found in any up-to-date library. In them you will find references to the important magazine articles that have been written on the subject. When you read an article in one of the magazines be sure to place in your note-book the name of the magazine, the number of the volume, and the page, for very likely you will want to refer to it again.

5. *Government documents*.—Numerous pamphlets and bulletins have been prepared on various subjects, and can often be secured for the asking. The various departments at Washington, D. C., usually have these for distribution. Thus, if you want something on agriculture, send to the Department of Agriculture, Washington, D. C., stating as definitely as you can the subject on which you desire information. The *Monthly Catalogue*, listing all the publications of the United States, is the best source for information on recent government publications. The *Congressional Record* is often available, and gives the speeches made in Congress on the various bills which have come up for discussion. Then there are the reports of the various commissioners, such as the Commissioner of Education, Interstate Commerce, Industrial Commission, Census Reports, etc.

6. *Special Information*.—A number of books have

recently been edited which are of direct aid to the student. These deal with questions for debate from the debater's viewpoint. The following deserve special mention: Ringwalt and Brooking's *Briefs for Debate*, Shurter and Taylor's *One Hundred Questions Debated*, Nichol's *Intercollegiate Debates*, Craig's *Pros and Cons*, and Ringwalt's *Briefs on Public Questions and American Public Questions*. There are, also, many publishing houses that make a specialty in supplying debate material, such as The Wilson Company, White Plains, New York, and Minneapolis, Minnesota. The extension departments of most State universities have loan material on many public questions.

For further information on source material for debate, see the Bibliography in Appendix IV of this volume.

CLASSIFICATION.—Rhetoricians and others give various methods as to collecting and arranging materials for an essay or a speech. Individuals may use different methods, but the point is, *some* method is necessary. The following plan of procedure is recommended. Make a tentative outline of your argument; then read for amplification; then revise the outline, if found desirable, and fit the material obtained from reading into such outline. The details of an outline for a debate are treated in the next chapter, so suffice it to say here that the outline desired at this point should be as orderly and logical as possible. The main headings might run something as follows: (1) The Facts in the Case; (2) Arguments for the Affirma-

tive; (3) Arguments for the Negative. Then under each of these main headings would be grouped appropriate subheadings. At the outset, it may be, especially if the subject is a familiar one, or at any rate before the reading will have proceeded far, the main issues in the question will loom up. These will naturally constitute the main subheadings under either (2) or (3) above. As the reading proceeds, the matter finds ready classification under these various headings, the outline being expanded or otherwise changed to admit of new matter.

Some system in taking notes should be adopted. Memoranda of matter needs be made, for no one can well carry in memory all the results of reading. But what a jumble many students' "notes" are! If one crowds into a note-book, in helter-skelter fashion, the information and points he gleans from reading, wholly unrelated matter recorded in an unrelated manner, such notes are hardly usable, or at the best they represent poor economy of time. An old Latin maxim holds that "a large part of education is to know where you may find anything." Some sort of classification should accompany the note-taking. The best plan is to make the notes on cards or slips of paper of uniform size, each labeled with a heading corresponding to the outline, which shows the point on which the note bears, new headings being added in the outline as new ideas occur. After the notes are finished, assort them and put together all those bearing on a particular point. Under such



a plan as this, it will be seen, the outline and the notes mutually react upon and aid one another.

**REBUTTAL CARDS.**—One of the most essential things for a debater to do is to compile an adequate assortment of rebuttal cards. These cards need not vary materially from those suggested for original note-taking. Every argument that is likely to be advanced by the opposition must be anticipated and an appropriate card prepared that will serve as a basis for a reply. Winning or losing a debate often depends on the relative readiness in rejoinder on the part of the respective teams. When the debate is on you have no time to search for material; all your time and attention must be given to the man on the floor. All your rebuttal material must be in readiness, and that in the most available form possible. The following cards were prepared on the negative side in a debate on the question: Resolved, that Texas should have an educational test for suffrage.

Education in Suffrage	C. W. Elliot
Suffrage is in itself an education. Good citizenship and interest in government affairs can be encouraged only by the use of the suffrage franchise. These methods are what our nation shows to the world.	
America's Contribution to Civilization, p. 21	

Manhood Suffrage	Thomas Jefferson
This term implies suffrage given to every man who is neither physically nor mentally weak; it is generally conceded that the male reaches manhood at the age of twenty-one.	
His Speeches Before Congress, p. 333.	

People's Rule	Hon. W. J. Bryan
When you qualify voters by property or educational qualifications, you adopt class distinction; you no longer have true manhood suffrage and "rule by the people."	
Speeches, Address at Nashville. Vol. I, p. 226	

Standard of Our Electorate. New York Com.	
Texas ranks among the first seven States in herelection laws and working electorate, ranking on efficiency and legitimacy of voter.	
Census on National Election Laws. Vol. I, p. 461	

On the first line comes the *title*, beginning with the important word; next the *author*. Then in the *body* give the evidence. On the *last line* place

the title of the book or magazine, volume and page.

These cards should be alphabetically arranged according to title, and conveniently arranged in a small box. There should be dozens of these cards. In a recent intercollegiate debate, one of the speakers compiled over two hundred. It is a good plan to let the chief speaker on each side handle all the cards when the debate is in progress. The wisdom of this is obvious. As soon as the opposition advances a point which you desire to refute, and for which you have a card, pick out this card and lay it down on the table before you. Continue this throughout the debate. A certain number should be given to your colleague for refutation. Group these cards in the order you desire to use them in your speech. While on the floor keep these cards in your hand; do not lay them on the table. A glance at a card while you are speaking will usually be sufficient, as you are supposed to be familiar with the contents of each card. Should a question arise relative to your evidence, you have the author and exact source—volume and page—noted on the card.

In preparing these rebuttal cards the following are *points to be observed*:—

1. Answer only one point on each card.
2. Let your heading begin with the essential word in the argument.
3. When using a quotation, be sure to quote *exactly*.
4. Write only on one side of the card.

5. Always give the source of your evidence—author, title of book or magazine, volume and page.

### EXERCISES

1. Discuss with the class different kinds of evidence gathered by the students from current magazines and newspapers.

2. Give a case from real life or from fiction, in which a fact was established by circumstantial evidence.

3. Let each student bring to the class an example of testimony from authority. Apply to these, in the class, the different tests of authority.

4. Cite a case where in your judgment the direct evidence deceived you.

5. Secure from the daily papers two examples where statistics are used as evidence.

6. Name two subjects on which you could submit statistics as evidence, and state the source from which you would draw them.

7. Name two subjects on which you could speak with some authority, and explain why your testimony on these subjects should carry weight.

8. Give an original example of each of the four cases of testimony of special value.

9. In *Everybody's*, Vol. XVII, page 427, Roosevelt is authority for the following statement:

"In one story a wolf is portrayed as guiding home some lost children, in a spirit of thoughtful kindness; let the over-trustful individual who has girded up his loins to believe this, think of the way he would believe the statement of some small farmer's boy that, when lost, he was guided home by a 'coon, a 'possum, or a woodchuck." What violation as to the nature of evidence is here implied?

10. Let the members of the class point out the strength or weakness of the evidence contained in the following extracts:

(a) "All the most reliable evidence is proof that Germany never was more sane, nor more justified in

undertaking a defensive war. It was forced upon her by the machinations of Great Britain, France, and Russia.

"While Emperor William was negotiating for peace with the Czar, the latter was mobilizing his troops and they were ordered to the German-Russian frontier. Also, while the German Emperor was having 'conversations' with England the French sent flyers across the border, French officers were crowding into Belgium, French troops had attacked German cities near the border. Belgium thus had violated neutrality before Germany offered to pay them indemnity should they allow German troops to enter Belgium." (*Extract from a letter by a German-American to "Harper's Weekly," January 1, 1915.*)

- (b) "First, I desire to state, as I have repeatedly heretofore stated to the Senate and to the country, that I am not and never have been a polygamist. I have never had but one wife, and she is my present wife. "There has been a more or less prevalent opinion that the doctrine of polygamy was obligatory upon the members of the Mormon Church, whereas, in truth and fact, no such obligatory doctrine has ever existed. The revelation concerning polygamy, as originally made, and as always interpreted, is permissible, and not mandatory. As a matter of fact, only a small percentage of the adherents of that faith have ever been polygamists. The vast majority of the adult members of the Church, from its foundation to the present time, have been monogamists. "The Mormon people, however, regarded this doctrine—although permissible in character—as part of their religious faith, and when the law was passed denouncing its practice, the execution of the law was resisted on the ground that it was unconstitutional, as being an interference with their religious liberty. Appeals were taken to the highest courts of the land, every phase of the subject was tested in the courts,

and the law was upheld. Then the Church adopted the manifesto against polygamy, which was ratified by the general conference of the people, and thereupon the practice of polygamy for the future was abandoned." (*From a speech by Senator Reed Smoot of Utah, in the United States Senate, February 19, 1907.*)

- (c) "No land in America surpasses in fertility the plains and valleys of Luzon. Rice and coffee, sugar and cocoanuts, hemp and tobacco, and many products of the temperate as well as the tropic zone grow in various sections of the archipelago. I have seen hundreds of bushels of Indian corn lying in a road fringed with banana-trees. The forests of Negros, Mindanao, Mindora, Paluan, and parts of Luzon are invaluable and intact. The wood of the Philippines can supply the furniture of the world for a century to come. At Cebu the best-informed man in the island told me that forty miles of Cebu's mountain chain are practically mountains of coal. Pablo Majia, one of the most reliable men on the islands, confirmed the statement. Some declare that the coal is only lignite; but ship captains who have used it told me that it is better steamer fuel than the best coal of Japan. I have a nugget of pure gold picked up in its present form on the banks of a Philippine creek. I have gold dust washed out by crude processes of careless natives from the sands of a Philippine stream. Both indicate great deposits at the source from which they come. In one of the islands great deposits of copper exist untouched. The mineral wealth of this empire of the ocean will one day surprise the world. I base this statement partly on personal observation, but chiefly on the testimony of foreign merchants in the Philippines, who have practically investigated the subject, and upon the unanimous opinion of natives and priests. And the mineral wealth is but a small fraction of the agricul-

tural wealth of these islands. These conclusions were forced upon me by observing the people in all walks of life in the different islands, and by conversations with foreign merchants, priests, mestizos, pure Filipinos, and every variety of mind, character and opinion from San Fernando, in Luzon, on down through the entire archipelago to the interior of Sulu. These conversations were had informally at dinner-tables, on journeys, and the like, and always under conditions favorable to entire frankness and unreserve. Their chief value is that they are the real opinions of their authors and not prepared and guarded statements." *(From a speech by Senator Albert J. Beveridge in the United States Senate, January 9, 1900.)*

- (d) "In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number of the deputies sent to Congress were lawyers. But all who read—and most do read—endeavor to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the Plantations. The Colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. General Gage marks out this disposition very particularly in a letter on your table. He states that all the people in his government are lawyers, or smatterers in law; and that in Boston they have been enabled, by successful chicane, wholly to evade many parts of one of your capital penal constitutions." *(From Burke's Speech on "Conciliation.")*
- (e) "I am a blacksmith in the town of Catskill, New York. While overheated at my forge, I was exposed to a draught and was taken down with inflammatory rheumatism. For three weeks the doctors were

unable to relieve me, but two bottles of your liniment effected a cure." (*John Smith.*)

- (f) "It is evident that the climate of Virginia is changed. The old inhabitants here tell me that they remember when snow lay on the ground four months every year, and they rode in sleighs. Now it is rare that we get enough snow to have a sleigh-ride. It is apparent that the climate of Virginia has changed since 1607, when the settlers came into Jamestown." (*From the diary of Thomas Jefferson.*)



## V

### ARGUMENTS—CONSTRUCTIVE

AS we have seen, facts are necessary in debate, but this is not all. The debater must learn to use his facts, to reason with and from them—a thing that many erudite men never do learn. That is, a given proposition is to be established or overthrown “by a process of reasoning from facts closely related to the facts in issue.” Hence the efforts of writers on argumentation, since the days of Aristotle, to classify the operations of the reasoning faculties. Obviously, any attempted classification has its difficulties and limitations. One process of reasoning easily runs into another; a given process may be one kind of argument, or another, depending upon the point of view; and processes of reasoning are so complex that no hard and fast line can be drawn which will enable us to pigeonhole arguments into mutually exclusive kinds. However, the classification itself is of no great importance. The advantage in some sort of a classification lies in the opportunity it affords of studying the more common forms of reasoning by themselves, and more especially the opportunity it affords of learning *what it is in a given argument*

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*that makes it strong or weak.* To that end, let us look at some of the principal kinds of arguments from the viewpoint of the debater.

It must not be forgotten that *Proof* includes both *Evidence* and *Argument*, and that the presentation of evidence alone is all that is sometimes needed to convince the mind of the truth or falsity of a proposition. However, most evidence is used for the purpose of establishing new truths through the process of reasoning. Again, there are certain propositions that are self-evident,—axioms, the mathematicians call them, or *assumptions*, as they are spoken of by logicians. Assumptions, as we have seen, are propositions accepted as true without proof. Therefore, with these two known factors—evidence and assumptions—as a basis, we may infer by a process of reasoning what we desire to know.

Arguments may be classified into two main divisions—*Constructive proof* and *Refutation*. When a speaker states and supports his own contention, this is Constructive proof; when he meets objections to his argument, it is Refutation. *Constructive argument* may be either (1) direct or (2) indirect.

### I. DIRECT ARGUMENT

We argue directly when we accept the conclusions reached by others, frequently called *Argument from Authority*. This kind of argument rests on the peculiar force of one's opinion whose special knowledge of, skill in, or experience with a matter under

discussion enables him to reach a true conclusion. As a man is unable to investigate for himself every question that arises, he must accept the conclusions reached by others in matters in which they are competent and more or less exclusive judges. In law, if such conclusions be admitted as evidence in the trial of a cause, it is called "expert testimony"; while the opinions of judges, in adjudicated cases, constitute authorities applicable to subsequent similar cases. Although "expert testimony" and "authority" are clearly distinguished in legal practice, for the purposes of general debating they may be classed together, the former usually having reference to the testimony of a specialist on a question of disputed fact, the latter to those fundamental laws and principles found in books and documents, which are generally accepted as authoritative. Thus, in law appeal is made to recorded cases and precedents; in theology, to the Bible; in politics, to constitutions and statutes; in science, philosophy, economics, etc., to the works of those men who are eminent in their respective fields.

While we commonly speak of the use of authority as one of the kinds of argument, it is, more properly, perhaps, a kind of evidence and not a process of reasoning—the debater asking his hearers to accept the conclusions of another as evidence of the truth of a given proposition. Now, if the authority used refers to an elementary principle in economics, or law, or education, ready acceptance may safely be assumed. But if one is debating a question of policy, there is usually such a conflict of authori-

ties on various phases of the question that no one authority, however eminent, can be cited as decisive. It then becomes a matter of weighing authorities—or of comparing witnesses; and all the tests of witnesses, previously referred to, are to be applied. Thus, in an editorial regarding our permanent retention of the Philippine Islands, in the New York *Evening Post*, the value of an authority quoted is explained as follows:

Mr. John Foreman is conceded to be the foremost authority on the Philippine Islands. A resident in the archipelago for eleven years; continuously acquainted with the natives for twenty; a frequent visitor to various islands of the group; possessed of a more intimate knowledge of Filipino character and a larger circle of friends and correspondents among the inhabitants than any foreigner living; the historian *par excellence* of land and people, he is a qualified expert to whom we are bound to listen. Certainly there is no need to labor this point with Republicans. He is their own witness, and they dare not try to discredit them. Professor Worcester, of both Philippine commissions, constantly bows in his own book to the authority of Foreman. He was especially summoned to Paris by our Peace Commissioners as the very man to guide their uncertain steps aright.

#### TESTS OF ARGUMENT FROM AUTHORITY

1. Is the authority competent?
2. Is the authority unprejudiced?
3. Is the authority recognized by the hearers?
4. Is the authority substantiated by others?

1. *Is the authority competent?*—Whenever another's opinion is quoted to substantiate a statement, it must appear that the person quoted is an authority on the matter in question and the best that can be produced. If the authority used amounts to expert testimony, it must appear that the witness is qualified as an expert. The opinion of a member of the Panama Commission on the subject of the interoceanic canal would be better authority than a statement by a member of Congress. A Government publication is better authority than an irresponsible newspaper report. If Thomas W. Lawson's articles on "Frenzied Finance" were quoted as authority regarding the unjustifiable methods of the Standard Oil Company, it might be urged that he speaks as a partisan. On the other hand, his claims to reliability are thus defended by the *Detroit News-Tribune*:

Mr. Lawson is many times a millionaire. At least such is the common belief among his countrymen, and it is certain that, in all the outward evidences of the possession of great wealth, he keeps pace with most of our modern Croesuses. A man's possessions are not necessarily indicative of his veracity; but, under particular circumstances, they may become so. In this instance they are at least presumptive proof that he has not yet overstepped the bounds of what he is prepared to establish if haled into court by any of the victims of his scathing and erratic pen. This is true because his financial responsibility is hardly to be questioned, and none of the money-bags who have been squirming under his lash can excuse himself from bringing action against

the offender on the ground that it would be impossible to recover anything like adequate damages. Moreover, there has been ample temptation to shut him off by proceedings under laws of criminal libel, if he has afforded his former associates any hopeful opportunity for such action. Month after month his revelations of criminal doings, apparently brought home to men of prominence and standing in the financial and social worlds, have been permitted to appear without the slightest public effort made to shut off this flood of disclosures. Up to date the general public has accepted Mr. Lawson's literary efforts with a surprise mingled with incredulity. His continued immunity from interference or attempted punishment for statements of the most damning import directed against supposedly self-respecting men is beginning to influence many to the belief that those whom he attacks are in no position to reply.

2. *Is the authority unprejudiced?* — Testimony from biased witnesses, as we have seen, is of little value. In like manner a statement from an authority who is prejudiced, though otherwise competent, is unconvincing. Any one who is in any manner interested in the problem under discussion, be it financially, politically, religiously, socially, or otherwise, may be sincere, but seldom trustworthy. "A prejudiced man," says Professor Foster, "sees evidence in a distorted way; he has a keen eye for what supports his own interests or opinions and is inclined to overlook the rest. He evades complete research when he has an instinctive feeling that the results will not be pleasing to him; he carries his arguments only far enough to support his precon-

ceived notions, instead of pushing them rigorously to their logical conclusions. His keen desire that such and such should be the truth makes him believe that it is the truth."

Statements from political speeches, from secretarians, from monopolists, etc., when relating to matters of special interest to them, should be accepted *com grano salis* unless accompanied by sound proof.

Burke, in his speech to the Electors of Bristol, showed that he was unprejudiced:

I confess to you freely that the sufferings and distress of the people of America, in this cruel war, have at times affected me more deeply than I can express. . . . Yet, the Americans are utter strangers to me; a nation among whom I am not sure that I have a single acquaintance.

3. *Is the authority recognized as such by the hearers?*  
—Not only must the authority be good in itself; it must be accepted by the hearers. The final judge as to its fitness in a given case is, not the speaker, but his audience. If the authority is not respected, in matters of opinion it is no authority. In this connection it is well to note the decay of the argument from authority in modern times. It is of more force in legal discussions than in general debate, but even in the courts, so far as "expert testimony" is concerned, juries are now slow to accept the opinions of experts as final. The reasons for this are thus set forth by Wharton in his *Law of Evidence* (page 425):

When expert testimony was first introduced it was regarded with great respect. An expert, when called as a witness, was viewed as the representative of the science of which he was a professor, giving impartially its conclusions. Two conditions have combined to produce a material change in this relation. In the first place, it has been discovered that no expert, no matter how learned and incorrupt, speaks for his science as a whole. Few specialties are so small as not to be torn by factions; and often, the smaller the specialty the bitterer and more inflaming and distorting are the animosities by which these factions are possessed. . . . In the second place, the retaining of experts, by a fee proportioned to the importance of their testimony, is now, in cases in which they are required, as customary as is retaining of lawyers. . . . Hence it is that, apart from the partisan temper more or less common to experts, their utterances, now that they have as a class become the retained agents of parties, have lost all judicial authority, and are entitled only to the weight which a sound and cautious criticism would award to the testimony itself. In adjusting this criticism, a large allowance must be made for the bias necessarily belonging to men retained to advocate a cause, who speak not as to *fact*, but as to *opinion*; who are selected on all moot questions, either from their prior advocacy of, or from their readiness to adopt the opinion wanted. In such instances we are inclined to adopt the strong language of Lord Campbell, that "skilled witnesses come with such a bias on their minds to support the cause in which they are embarked that hardly any weight should be given to their evidence."

In general debate, also, many sources once considered authoritative are no longer so. The Ro-



man Catholic Church is no longer an authority in law, nor the Bible in science. So, in the discussion of unsettled problems, the opinions of the most eminent men are not authority. They lack the force of general acceptance. If, for example, one is arguing in favor of Government ownership of interstate railroads, the opinions of railway attorneys and officials, of shippers, of members of Congress, of the Interstate Commerce Commission, or of the President of the United States, while they may be used as corroborative of one's argument, are in no sense authoritative. Such an argument might be reduced to this form: "The President of the United States favors this plan, therefore it should be adopted." This is a fallacy frequently noticeable in student debating. If the opinions of men, however prominent, are to be accepted as proof of one's case, there is nothing to debate. You cannot win a debate by a count of hands. In most questions, the average American auditor reserves the right of individual opinion and conscience, and no opinion is accepted as orthodox. The *reason* for such an opinion must be shown.

On the other hand, whenever a question under discussion concerns matters wherein authorities exist which the opposing side is bound to recognize, the use of the argument from authority still has an important place. Thus, a court constitutes an authority on points of law; the Bible, on religious questions; and a book universally accepted as authoritative on matters within its particular field constitutes an authority in such field—such as the

United States Pharmacopœia regarding drugs. The main work of the debater, in such cases, is to show why the authority is good. This the lawyer has an opportunity of doing, in the case of an expert, by preliminary questions. Similarly, the debater must explain, in a few words, just why an authority should be accepted, and also just what the authority states on the point in question, with specific reference to the source of the quotation.

4. *Is the authority substantiated by others?*—Too much reliance should not be placed in one authority. To quote from one source, one book, one report, one author is unconvincing. When a debater employs such a method, it indicates a lack of comprehensive reading, and hence a limited knowledge of the subject under discussion. The lawyer usually selects a great many witnesses, even though the point he desires to prove be a minor one. There is strength in numbers. Literature advertising the sale of certain commodities has not one, but scores of testimonials certifying to the merits of the article. The majority of people prefer to think and act as the community thinks and acts; so that when an array of names is presented indorsing a proposition, it is made to appear that this is the sentiment of the entire community.

Again, when two or more investigators or scholars have, independently, arrived at the same conclusion, the probability of the truth of their conclusions is much strengthened. Burke showed the force of concurrent testimony when speaking

of the repeal of the Law of 1699 against Roman Catholics:

With this mover, and this seconder, agreed the *whole* House of Commons; the *whole* House of Lords; the *whole* bench of bishops; the King; the Ministry; the Opposition; all the distinguished clergy of the establishment; all the eminent lights (for they were consulted) of the dissenting churches. . . . In weighing this unanimous concurrence of whatever the nation has to boast of, I hope you will recollect, that all these concurring parties do by no means love one another enough to agree in any point which was not both evidently and importantly right.<sup>1</sup>

In all questions of policy, as we have seen, argument from authority is never conclusive as to the question as a whole, and should therefore be used sparingly by debaters. A quotation now and then may be desirable; but students too frequently base their entire proof on quoting authority. Show rather *why* these men believe as they do. The arguments that convinced them will doubtless carry conviction to your present audience.

## II. INDIRECT ARGUMENT

Indirect argument involves the reasoning process. It may therefore be called argument proper, as it takes the known evidence and from it derives the unknown conclusion.

<sup>1</sup> Burke, Speech at Bristol, September 6, 1780. (Selected from Foster's *Argumentation and Debating*.)

Since the time of Aristotle, the Greek philosopher (384-322 B.C.), who first discovered and formulated the mental process of securing knowledge, two principal forms of the reasoning process have been generally recognized, Induction and Deduction.

*Induction* is "the process by which we conclude that what is true of certain individuals of a class is true of the whole class, or that what is true at certain times will be true in similar circumstances at all times." Or, what is true of the less general (particular) is true of the more general. And as it expresses the relationship of the part to the whole, it includes the relationship of one event or phenomenon to another. Two forms are in general use, Causal Relationship and Resemblance.

a. *Causal Relationship*.—This form attempts to establish some vital relationship between the evidence and the conclusion. This reasoning is based on the assumption that everything in the universe is related to every other thing in the universe: Each event has a cause, and this cause, in turn, is the result of a previous cause, and so on until we reach the First Cause. We may also proceed the other way, and consider that each event influences another event which in turn will be the cause of another event, and so on to the end of time. This process of reasoning is very widely used and demands more detailed consideration:

(1) *Cause to Effect*.—This process is often called Antecedent Probability. It is the *a priori* argu-

## ARGUMENTS—CONSTRUCTIVE III

ment of formal logic. We know the cause and try to find the effect. The process consists in showing that an event was possible or probable, on the ground that there was sufficient cause to produce it. The argument has its source in the relation which cause bears to effect, or motive to the cause of an action. This method of proof was early formulated and extensively used by the Greek rhetoricians and professional speech-writers, even as early as 500 B.C.

Antiphon's strong point in argument was the topic of General [antecedent] Probability. "Is it likely that such and such a thing would have occurred?" "Would this little man have been likely to attack this big one; or, if he did, would he not have known beforehand that the presumption would be against him?" This topic of general probability was the favorite weapon of the Greek rhetoricians. Aristotle himself gave it an important place in his great treatise in which he formulated the principles that had prevailed in the usage of the early orators.<sup>1</sup>

The typical example of this kind of argument is that of showing motive for a crime. If it be shown that A had a motive to kill B, the murder of B (the effect) was the probable result of such motive (the cause) acting through A. In the White murder trial, for example, Webster first shows a motive on the part of the prisoner:

Joseph Knapp had a motive to desire the death of Mr. White, and that motive has been shown. He was

<sup>1</sup> Sears, *History of Oratory*, p. 40.

connected by marriage with the family of Mr. White. His wife was the daughter of Mr. Beckford, who was the only child of a sister of the deceased. The deceased was more than eighty years old, and had no children. His only heirs were nephews and nieces. He was supposed to be possessed of a very large fortune, which would have descended, by law, to his several nephews and nieces in equal shares; or if there was a will, then according to the will. But as he had but two branches of heirs, the children of his brother, Henry White, and of Mrs. Beckford, each of these branches, according to the common idea, would have shared one-half of the property. This popular idea is not legally correct. But it is common, and very probably was entertained by the parties. According to this idea, Mrs. Beckford, on Mr. White's death without a will, would have been entitled to one-half of his ample fortune; and Joseph Knapp had married one of her three children. There was a will, and this will gave the bulk of the property to others; and we learn from Palmer that one part of the design was to destroy the will before the murder was committed. There had been a previous will, and that previous will was known or believed to have been more favorable than the other to the Beckford family. So that, by destroying the last will, and destroying the life of the testator at the same time, either the first and more favorable will would be set up, or the deceased would have no will, which would be, as was supposed, still more favorable. . . . When we look back, then, at the state of things immediately on the discovery of the murder, we see that suspicion would naturally turn at once, not to the heirs at law, but to those principally benefited by the will. They, and they alone, would be supposed or seem to have a direct object for wishing Mr. White's life to be terminated.

Not only in the courts, but in political discussions and practical affairs, the argument of antecedent probability is very common. In general debate it has a somewhat wider use than the proof which is based simply on that of a cause for a given effect. The method is used in attempting to show that a proposition is probably true, that it is *likely* to be true, on the face of it. Thus the debater, as is sometimes said, tries to account for something that he *assumes to be true*. In this sense the argument bears a general resemblance to the deductive method. "It is reasonable," the arguer contends, "to expect that this proposition is true"; and facts and principles are brought forward to justify such expectation. As tending to prove an alleged truth, he shows why it might be true; to support the adoption of a proposed policy, he shows from antecedent circumstances why it would be expedient, or that it conforms to some well-established principle. This method is a powerful aid, then, in raising a presumption in one's favor, and it is widely serviceable for such purpose.

An introductory sentence in a recent magazine article runs as follows: "In the present article I shall simply put down without much comment certain random facts in the summer routine of our affluent and conspicuous families, trusting that these facts will speak for themselves to thoughtful people and create a preliminary impression that may assist my purpose to presently contrast these glittering lives with the lives of our tortured and miserable poor as we find them to-day in the great

cities of America." And to create a "preliminary impression" the argument from antecedent probability is frequently employed. It prepares the way for direct evidence. Thus skilled trial lawyers take great pains in presenting to the jury the preliminary statement of facts in a case. They know the importance of making the first impression of the case as strong as possible, so that the jurors' minds are prepared to receive the evidence corroborative of the opening statement. The advertisers of patent medicines act on the same principle. By a description of the disease and of the remedy offered they make it plain why their medicine may be expected to effect a cure—and the reader's mind is thus prepared for the testimonies of cures that usually follow. It is a matter of common observation that predisposed opinions have such weight that it is easy to convince one of that which he deems probable, and extremely difficult to persuade men to believe even direct evidence if they are already convinced of its antecedent improbability. Thus there is a general acceptance of a belief in the immortality of the soul, and yet, aside from the question of divine revelation, such belief rests solely on the argument that it is *likely* to be true. On the other hand, there is a general disbelief in spiritualism because, as is generally held, of its antecedent improbability. It is not infrequently the first task of the debater to remove unfavorable impressions that may exist in his hearers' minds. This is no small part of the work of the advocate, in a trial at law. For exam-



ple, Sargent S. Prentiss, in his famous plea in defense of Judge Wilkinson, attempted to remove the unfavorable impression that may have arisen from the change of venue, as follows:

Gentlemen of the jury, this is a case of no ordinary character, and possesses no ordinary interest. Three of the most respectable citizens of the State of Mississippi stand before you, indicted for the crime of murder, the highest offense known to the laws of the land. The crime is charged to have been committed not in your own county, but in the city of Louisville, and there the indictment was found. The defendants, during the past winter, applied to the Legislature for a change of venue, and elected your county as the place at which they would prefer to have the question of their innocence or guilt investigated.

This course, at first blush, may be calculated to raise in your minds some unfavorable impressions. You may naturally inquire why it was taken; why they did not await their trial in the county in which the offense was charged to have been committed; in fine, why they came here? I feel it my duty, before entering into the merits of this case, to answer these questions, and to obviate such impressions as I have alluded to, which, without explanation, might very naturally exist. In doing so, it will be necessary to advert briefly to the history of the case. My clients have come before you for justice. They have fled to you, even as to the horns of the altar, for protection. It is not unknown to you, that upon the occurrence of the events, the character of which you are about to try, great tumult and excitement prevailed in the city of Louisville. Passion and prejudice poured poison into the public ear. Popular feeling was roused into madness. It was with the utmost difficulty that

the strong arm of the constituted authorities wrenched the victims from the hands of an infuriated mob. Even the thick walls of the prison hardly afforded protection to the accused. Crouched and shivering upon the cold floor of their gloomy dungeon, they listened to the footsteps of the gathering crowds; and ever and anon the winter wind that played melancholy music through the rusty gates, was drowned by the fierce howling of the human wolves, who prowled and bayed around their place of refuge, thirsting for blood. Every breeze that swept over the city bore away slander and falsehood upon its wings. . . . I am told that when the examination took place before the magistrates, every bad passion, every ungenerous prejudice, was appealed to. The argument was addressed, not to the court, but to the populace. . . . It was this course of conduct and this state of feeling which induced the change of venue.<sup>1</sup>

Following is another example, different in kind, and yet essentially an *a priori* argument. It illustrates the close relation between the argument of antecedent probability, as frequently employed, and the burden of proof. Senator Beveridge, in the article previously quoted from, combats the States' rights doctrine by showing how changed conditions render it now necessary for the Federal government to do many things not contemplated by the framers of our Constitution:

The progress of nationality and the decay of "States' rights" grows out of changed conditions. The railroad, telegraph, and telephone have bound our people into a national *unit*. None of these agencies of national soli-

<sup>1</sup> *Great Speeches by Great Lawyers*, pp. 88-91,

curity existed when the Republic was founded. We were then a handful of people, and this handful separated by lack of communication. But now San Francisco is much nearer New York than Pittsburgh was to Boston in the old days. One can travel in luxury from Washington to Chicago in a fifth of the time that the fathers could cross the State of Pennsylvania. We can talk instantaneously from St. Louis to Philadelphia to-day. Whereas, we were only four million people in the days when States' rights was in its greatest vigor, we are now eighty millions of people, and in half a century will be two hundred million of people—and these all woven closely together by the most perfect facilities of communication the world has ever seen.

All this creates new problems which the old theory of States' rights never contemplated, and new necessities on the part of the people which States' rights cannot supply. But the people's problems must be solved, the people's necessities supplied. Each day makes it clearer that only the nation can do this. That is why the nation is doing it. If the States could do that work better, nothing could prevent them from doing it. It is because the nation is the only force equal to the daily developing needs of the people that nationality is developing, and for no other reason. In all of this there is no harm, but only the welfare of the people; for it is merely the people themselves acting in common for their common good.

After all, the purpose of these free institutions of ours is to make better people. The reason of our Government is to improve human conditions and to make this country a fairer place for men and women to live in. No jugglery with mere phrases can impair this mighty truth, upon which, and upon which alone, the Republic is founded.

## TESTS OF THE ARGUMENT FROM CAUSE TO EFFECT

1. Is the known cause adequate to produce the alleged effect?
2. Is the known cause not interfered with by other forces?
3. Does past experience encourage the inference?

Let us take a few examples and apply these tests. Rain fell last night, therefore the roads will be too muddy to go driving. We have some of the evidence—the facts: it rained; there was a certain amount; the condition of the road was known before the rain, etc. The fact we wish to determine is, what was the effect of the rain on the roads; and are they too muddy to be used with pleasure.

We would first consider the amount of the rainfall. Is it adequate to produce the alleged effect? Secondly, we would attempt to determine the previous condition of the road, so as to determine whether or not the rain, though sufficient in amount, would injure, at this time, the road in question. Paved, macadamized, graveled roads would be forces that might keep the rain from having its usual effect. Thirdly, what has been the result of about the same amount of rain on these roads in previous instances? All these tests must be reckoned with in correctly predicting the effect.

It will readily be seen that the tests above stated are destructive of many so-called arguments from cause to effect. Thus, the causal connection, and the intervention of other forces than the assigned cause, affect the probative value of our common

superstitions. To say that the moon affects growing crops; that breaking a looking-glass will be followed by death in the family; that Friday and the number thirteen are omens of bad luck, etc.—all such inferences fail to meet the aforementioned tests of adequacy and closeness in causal relationship. Inferences no less palpably unsound are common in political discussions. To argue, for example, that commercial prosperity or depression results from a given tariff policy leaves out of consideration so many other possible causes that economists generally content themselves with enunciating principles, and leave it to the politicians to draw conclusions based on alleged cause and effect.

The argument of antecedent probability, then, is mainly preparatory and corroboratory. Standing by itself, it is not conclusive. Its great value lies in impressing the minds of the hearers favorably as to one's argument, and so preparing them for the reception of further and more conclusive proof.

(2) *Effect to Cause*.—This mode of reasoning has been called argument from "sign," and is the *a posteriori* method of Aristotle. A given effect is absolutely known, and from it we infer a probable cause—a process inverse to the argument from Cause to Effect. A certain known thing, we say, is reason for believing in the existence of another. Something has happened; effects are pointed out that are likely to have been produced by the event or act in question, an effect being regarded as the

“sign” of the cause. If there is a red sky at sunset, we infer that the atmospheric conditions are such that fair weather will follow. When we see a rainbow we conclude that at that point the sun’s rays are falling on raindrops. When statistics are adduced to show the beneficial results of a given monetary or tariff policy, we are reasoning from effect to cause. Thus it will be seen that the arguments from sign and of antecedent probability are complementary, the one looking backward, the other forward; and a given argument in this class may sometimes be termed one or the other, depending upon the point of view.

The most familiar examples of argument from sign are found in criminal trials. As Webster remarked in the White murder trial, “midnight assassins take no witnesses.” “Circumstances,” some one has said, “are God’s detectives; with their sightless eyes and voiceless tongues they see farther and speak louder than the average human witness.” In one sense, the argument from sign is more certain proof than the argument of antecedent probability. No matter how many reasons may be assigned to show that A would probably murder B, they are of no avail unless it be shown that B has been murdered. Hence the law, in capital cases, insists that the sign of the murder be conclusively shown—the doctrine of *corpus delicti*. This having been shown, all the facts relating to the accused person after the occurrence of the crime—“circumstantial” evidence—belong to the argument from sign. As an example, Web-

ster supplemented his argument (previously quoted) showing the antecedent probability that Frank Knapp was one of the conspirators who murdered Captain White, with the following argument from sign:

Let me ask your attention, then, in the first place, to those appearances, on the morning after the murder, which have a tendency to show that it was done in pursuance of a preconcerted plan of operation. What are they? A man was found murdered in his bed. No stranger had done the deed, no one unacquainted with the house had done it. It was apparent that somebody within had opened, and that somebody without had entered. There had obviously and certainly been concert and co-operation. The inmates of the house were not alarmed when the murder was perpetrated. The assassin had entered without any riot or any violence. He had found the way prepared before him. The house had been previously opened. The window was unbarred from within, and its fastening unscrewed. There was a lock on the door of the chamber in which Mr. White slept, but the key was gone. It had been taken away and secreted. The footsteps of the murderer were visible, outdoors, tending toward the window. The plank by which he entered the window still remained. The road he pursued had been thus prepared for him. The victim was slain, and the murderer had escaped. Everything indicated that somebody within had co-operated with somebody without. Everything proclaimed that some of the inmates, or somebody having access to the house, had had a hand in the murder. On the face of the circumstances, it was apparent, therefore, that this was a premeditated, concerted murder; that there had been a conspiracy to commit it.

The arguments of sign and antecedent probability stand or fall together. Since both depend upon causal relationship, they are both measured by the same tests. Whenever the two arguments can be linked together—as is done by Webster in the two previous extracts—a strong argument results. But the argument from sign, standing by itself, is rarely conclusive, and the danger of depending upon circumstantial evidence alone has passed into a proverb. You may pile sign upon sign to show that A murdered B, but if A can prove an *alibi*, all the signs fail. An example showing the danger in sign-inferences will be seen in the following story that recently went the round of the newspapers:

During the college days of ex-Mayor Bessom of Lynn he had two of the professors of the college as guests at a hunting-camp in the Maine woods. When they entered the camp their attention was attracted to the unusual position of the stove, which was set on posts about four feet high.

One of the professors began to comment upon the knowledge woodsmen gain by observation. "Now," said he, "this man has discovered that the heat radiating from the stove strikes the roof, and the circulation is so quickened that the camp is warmed in much less time than would be required if the stove was in its regular place on the floor." The other professor was of the opinion that the stove was elevated to be above the window in order that cool and pure air could be had at night. Mr. Bessom, being more practical, contended that the stove was elevated in order that a good supply of green wood could be placed beneath it to dry. After



considerable argument the guide was called and asked why the stove was placed in such an unusual position. "Well," said he, "when I brought the stove up the river I lost most of the stovepipe overboard, and had to set the stove up there so as to have the pipe reach through the roof."

#### TESTS OF THE ARGUMENT FROM EFFECT TO CAUSE

1. Could any other cause have produced the known effect?
2. Is the alleged cause adequate to produce the known effect?
3. Is the alleged cause not interfered with by other forces?

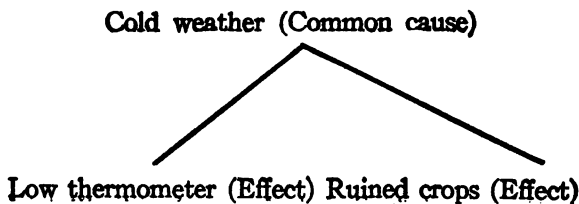
*To illustrate:* It has been asserted that the present high cost of land is the cause of the high price of food. First, does any other cause contribute to this high cost of food? It will be clearly seen that there are a number of economic and social forces operating to effect a rise in the price of food; such as, a higher living standard, increased cost of labor, change in the nature of the food raised and manufactured, etc. Second, could the high cost of land in itself cause the high price of food? It doubtless could meet this test. Third, are there forces at work which prevent the high price of land from increasing the cost of food? We must admit that there are many forces that interfere with the full operation of the alleged cause; such as, transportation facilities, food substitutes, intensive farming, etc.

In all questions of policy, it will be impossible

to secure a causal relationship which will meet all three of these tests. The law of causation is so universal, eternal, and positive in its operation that every fact in the universe is interrelated with every other fact. It has been said that if a Canadian Indian quarreled with his squaw it would affect the price of furs in Liverpool.

The purpose of the debater should be to get at the principal or basic cause, and proceed to prove that all other causes are only contributory or secondary.

(3) *Effect to Effect*.—This mode of reasoning is a combination of the arguments from Effect to Cause and from Cause to Effect. We start from a known effect and reason back to a possible cause; from this cause we infer another effect. The mind, however, does not take this circuitous path, but goes directly from one effect to another effect, and omits searching for a common cause which acts as connecting link. The farmer in looking at the thermometer observes that it registers below zero; he immediately concludes that his fruit crop is ruined. The common cause—low temperature—is not considered. The process of reasoning may be graphically represented as follows:



By a like process, we listen to the ticking of a watch in the dark and conclude that the hands are moving. The potential energy in the mainspring is not in our thoughts. We see a red apple and immediately begin eating it. The redness and ripeness both have a common cause. The barometer "falls" and we say that it is going to storm.

In a recent debate it was argued that "low wages" caused "poverty." The opposition showed that they were not related as cause and effect, but as two effects of a common cause—inefficiency; and that statutory increase of wages would not cure poverty; that education was needed. The debater should always seek for the common cause if it is likely to exist.

#### TESTS OF THE ARGUMENT FROM EFFECT TO EFFECT

1. Is there a common cause for the two associated phenomena?
2. Is the common cause adequate to produce each effect?
3. Apply tests from Effect to Cause and from Cause to Effect. It is often argued that a woman who votes is an undesirable wife. Surely the mere casting of the ballot would not decrease her feminine and housekeeping qualities, nor whatever other qualities that make a woman a desirable helpmeet; so we are constrained to seek a common cause, believing that a woman who votes and an undesirable wife are both effects. Is there a common cause? The type of women who desire

the ballot possess, let us say, mental characteristics that would make them undesirable for lifelong companions. If true, we have found the common cause to be certain mental characteristics which form a common cause for the two effects in question. Second, is the common cause adequate to produce each effect? There is room for a difference of opinion at this point, but if the original proposition is true it must stand this test. And lastly, it must meet the tests from Effect to Cause and from Cause to Effect. Let the student trace out this relationship to his own satisfaction.

4. *Association of Phenomena in the Past.*—In the argument from Effect to Effect, it was pointed out that a common cause existed, though not evident in the mental process. In Association of Phenomena in the Past, a common cause may or may not exist. The two events may even bear the relation of cause and effect, but the relation, if any, is unknown, and if it does exist it is so remote that the mind makes no attempt to discover it. Two events have been observed to occur at the same time or place, or are at least in some manner associated together in the mind; so that when one of them is observed the other is inferred, not from the law of causation, but merely from past experience. Most of our superstitious beliefs are the result of this process of association. Some of them may be causally connected, but the relation is not yet apparent, and again it may be mere coincidence. If you drop a comb, some one will come to visit you that day. If the groundhog sees his shadow

February 2d, there will be six weeks more of winter. Scientists have called attention to the fact that periods of famine in China have been accompanied by sun spots. "When it is evening, ye say, it will be fair weather, for the sky is red."<sup>1</sup> Many of our daily inferences are made by mere association of phenomena. Animals "reason" in this manner. The cat sees a mouse and she springs upon it. She acts from association of phenomena in the past. Chickens flock about the farmer's wife as she comes from the house with a pan in her hands.

The debater should rarely attempt to prove his contention by mere association of phenomena in the past. It is a very low form of reasoning—if, indeed, any reasoning at all. It is unconvincing, and is presented here as something to be avoided rather than to be followed.

b. *Resemblance, or Example*.—This form of reasoning supposes some kind of resemblance between two or more objects or events. It is the argument of the observed to the unobserved. It is a favorite argument with debaters. The two main divisions are, (1) Analogy and (2) Generalization.

(1) *Analogy*.—"A form of inference in which it is reasoned that if two or more things agree with one another in one or more respects they will (probably) agree in yet other respects."<sup>2</sup> Or, from the similarity of two or more things in certain particulars, their similarity in other particulars is inferred. Thus, the earth and Mars are both planets,

<sup>1</sup> Matthew xvi:2.

<sup>2</sup> Webster's Dictionary.

nearly equidistant from the sun, having similar distribution of seas and continents, alike in conditions of humidity, temperature, seasons, day and night, etc.; but the earth also supports organic life; hence—from analogy—Mars (probably) supports organic life. Similarly, we infer that what has happened in the past will, under similar conditions, happen again. If the past condition of one country, economically or politically, closely resembles the present condition of another, we may use the history of the one country to prove what we wish about the modern condition; that is, we can judge of the future, as Patrick Henry said, only by the past. This “argument from experience,” as it is frequently called, is more or less employed in debating current political and governmental questions. When properly used, the argument is very effective, for “substantially the mode in which we learn a new thing is by its being likened to something that we already know.” It has been said that all reasoning consists ultimately in inferences from experience.

A favorite and effective use of the argument from example is that technically known as *a fortiori* (all the stronger), which reasons that if a certain principle, say, is true in a given case, much more is it true in the case under discussion, wherein the conditions are more favorable. Many passages in Scripture are put in the form of *a fortiori* argument:

Wherefore if God so clothe the grass which to-day is and to-morrow is cast into the oven, shall He not much more clothe you, O ye of little faith?—If ye, then, being

evil, know how to give good gifts unto your children, how much more shall your Heavenly Father give the Holy Spirit to them that ask Him.—Are not two sparrows sold for a farthing? And not one of them shall fall to the ground without your Father. Fear ye not, therefore, ye are of more value than many sparrows.<sup>1</sup>

This has always been a favorite argument of forensic orators. The following is an example from Erskine's speech in defense of Lord George Gordon:

But it seems that Lord George ought to have foreseen so great a multitude could not be collected without mischief. Gentlemen, we are not trying whether he might or ought to have foreseen mischief, but whether he wickedly and traitorously *preconcerted and designed it*. But if *he* be an object of censure for not foreseeing it, what shall we say to *government* that took no steps to prevent it, that issued no proclamation warning the people of the danger and illegality of such an assembly? If a peaceable multitude, with a petition in their hands, be an army, and if the noise and confusion inseparable from numbers, though without violence or the purpose of violence, constitute war, what shall be said of that *government* which remained from Tuesday to Friday, knowing that an army was collecting to levy war by public advertisement, yet had not a single soldier, no, nor even a constable, to protect the state?<sup>2</sup>

It is to be borne in mind that in reasoning from analogy the resemblance must always be an *essential* one—it must apply to the point under discus-

<sup>1</sup> Matthew vi:30.

<sup>2</sup> Goodrich, *British Eloquence*, p. 551.

sion. The following illustrations will make this clear. We find many points of resemblance between the earth and the moon, but we cannot infer therefrom that there are living creatures on the moon, since the moon has no atmosphere, and we know that air is an indispensable condition of life. The construction of an argument resembles, in many respects, that of a frame house; but it does not follow that everything true of the house is true of the argument. Again, take the somewhat common comparison of a nation with an individual: nations, it is said, like individuals, have youth, manhood, the decline of old age, and death. But the resemblance fails in the one essential point—physical organization. So, "Carlyle's saying that a ship could never be taken around Cape Horn if the crew were consulted every time the captain proposed to alter his course, if taken seriously as an analogical argument against representative government, is open to the objection that the differences between a ship and a state are too great for any argument from the one to the other to be of value."<sup>1</sup>

On the other hand, there may be many points of dissimilarity, but if there be a resemblance in the essential particulars the argument is good and, especially with a popular audience, very effective. For example: Horses and generals are unlike in themselves and in their relations in many ways; but Lincoln's oft-quoted saying, in reply to poli-

<sup>1</sup> Mill, *System of Logic*, p. 332.



ticians advising him to change generals at a certain time during the Civil War, that he deemed it unwise to "swap horses while crossing a stream," was a valid argument in that horses bore the same relation to crossing a stream as generals did to prosecuting the war. Again, when Patrick Henry said, "Cæsar had his Brutus, Charles I. his Cromwell, and George III. may profit by their example," the "example" applied to George III. in perhaps only one respect, but that the essential element—the effect of tyranny upon a liberty-loving people.

However, it should constantly be borne in mind that so-called examples and analogies readily shade off into mere illustrations. Illustrations are good to illuminate an argument, and are to be frequently employed for this purpose, but they are not argument, and great caution is needed in their use. If real resemblance is lacking, or if the resemblance fails in the essential particular, a fine opening is left for the opposing side. It has well been said that "example and analogy are of value mainly in those cases where the parallel conditions are broad and easily traced, and where the object is to make an argument at once simple and impressive. They are best applied to those general truths which do not require to be verified so much as to be illustrated; their office, even in argument, is mainly expository."<sup>1</sup> An example is often excellent for illustrative purposes, but it does not necessarily *prove* anything, as is shown in the following excerpt

<sup>1</sup> Genung, *Practical Rhetoric*, p. 423.

from a Congressional speech: "Mr. Speaker, upon the exercise of the virile strength and sovereign power of the State depend the strength and well-being of this Republic, for—

"When the stem dies the leaf that grew  
From out its heart must perish too."

#### TESTS OF THE ARGUMENT FROM ANALOGY

1. Do the objects or events compared show a resemblance in the essential points at issue?

2. Do the points of similarity outweigh the points of difference?

3. Is the conclusion not disproved by other modes of argument?

4. Is the fact more likely to be true in the analogous case than the case considered?

5. Are the alleged analogous facts true?

The argument from Analogy is essentially weak. To have any convincing value it should meet all the foregoing tests. It might be argued that the United States should own her railroads because Germany does. Applying *seriatim* the tests above stated, we may ask: (1) Are these two nations similar in respect to conditions vital to successful ownership of railroads, such as size, centralized government, etc.? (2) In what essential points do Germany and the United States differ? Do these differences outweigh the points of likeness? (3) Can we find any valid reason why the United States should not own her railroads? (4) If Germany can own her railroads, is it not all the more

reason why the United States should own hers? (5) If all these questions can be answered in the affirmative, we cannot consider the statement proved unless it can be shown that the statements relative to the comparison are true. Is it true that the government ownership of railroads in Germany has been a success? Are the nations similar in size, form of government, etc.?

These tests are so difficult of application that examples and analogies, unsupported by other evidence or argument, are rarely convincing. The method is therefore chiefly of value, as we have seen, for illustration of an argument rather than for argument proper. "Almost anything can be established by a simile, even opposite sides of the same question." Unless the resemblance be real, you can, to quote a favorite metaphor of Lincoln's, "prove a horse chestnut to be a chestnut horse." There must be not only a resemblance of states, but also of conditions; not only must relations be alike, but it must be shown that they are due to the same or like causes.

(2) *Generalization*.—This division is so important that many writers have made it practically usurp the entire field of induction. It is the inference from the few to the many. Analogy compares one case to another, generalization observes a number of cases, and then makes a rule to cover all that bear a resemblance to those observed. It is the method used in classification, in the formulation of a definition. The child eats an apple and discovers that it contains seeds. He eats a second

and a third and finds seeds in each one. He soon generalizes that all apples have seeds. All men are mortal, is a generalization resulting from the observation of many specific instances. A certain patent medicine was used by a few sick persons who got well; the company selling the medicine immediately proclaims to a credulous world that it will cure all diseases in every person. That is one danger in this mode of argument: we are apt to draw conclusions too soon. To a child all dogs are pets, all rats gray, all mothers good. Scripture records where the inmates of a few households were baptized, and the argument is advanced that the Bible prescribes the practice of infant baptism. A few men were successful without a good education, and we conclude that an education is not necessary for success. However, generalization is a most serviceable and valid mode of argumentation. Burke thus draws an inference from individual instances to prove a general truth with respect to the whole class to which they belong—the method of induction:

In large bodies the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt and Arabia and Kurdistan as he governs Thrace; nor has he the same dominion in Crimea and Algiers which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigor of his authority in his center is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed

as you are in yours. She complies, too; she submits; she watches times. This is the immutable condition, the eternal law of extensive and detached empire.<sup>1</sup>

## TESTS OF THE ARGUMENT FROM GENERALIZATION

1. Have enough examples been observed to warrant the generalization?
2. Were the examples observed typical of the class?
3. Is there no positive evidence that the unobserved portion offers no exception?
4. Is the generalization in accord with other known facts?

It has been stated that *Radium cures cancer*. To contend for the affirmative, it will be necessary to show (1) that sufficient cases have been tested to warrant such a conclusion. (2) Did these cases include the various kinds of cancer—soft and hard; and those in the different stages of development—incipient and chronic? (3) Is there a single case not tried that is known to be positively incurable? (4) Is it highly probable that radium can cure all cases of cancer, considering the nature of cancer and the curative effects of radium? If all these questions can be answered in the affirmative, the generalization may be considered valid.

## DEDUCTION

It was stated that Induction is the process of reasoning from particular facts to general truths.

<sup>1</sup>Conciliation with the American Colonies, *Select Works*, I, p. 184.

Deduction is the opposite. It is reasoning from a general truth to a particular fact. When studying grammar we learned that *Nouns are names of objects*. When we saw a word that named an object we called it a *noun*. In so doing we were reasoning deductively. To make clear the difference between Induction and Deduction, it may be illustrated thus:

### *Induction*

1. Specific instances.
  - a. Football is an outdoor game and is beneficial.
  - b. Baseball is an outdoor game and is beneficial.
  - c. Golf is an outdoor game and is beneficial.
  - d. Hockey is an outdoor game and is beneficial.
2. Conclusion: All outdoor games are beneficial.

### *Deduction*

1. Premises.
  - a. All outdoor games are beneficial.
  - b. Tennis is an outdoor game.
2. Conclusion: Therefore tennis is beneficial.

There are various forms of deductive reasoning, but the typical form is the syllogism.

*Syllogism*. — This is one of the most ancient forms of inference. It is both definite and conclusive. The major premise is a general truth that is either an assumption or that was secured through induction.

The syllogism consists of three statements called major premise, minor premise, and conclusion. Again, each statement consists of two parts called "terms." There are in all three different kinds of terms: major term, middle term, and minor term. This can be made clear by taking the classic illustration used by Aristotle:

- |                   |                           |                   |
|-------------------|---------------------------|-------------------|
|                   | Middle term               | Major term        |
| 1. Major premise: | <u>All men</u>            | <u>are mortal</u> |
|                   | Minor term                | Middle term       |
| 2. Minor premise: | <u>Socrates</u>           | <u>is a man</u>   |
|                   | Minor term                | Major term        |
| 3. Conclusion:    | <u>Therefore Socrates</u> | <u>is mortal</u>  |

It will be seen that the major term is used to include the largest class of objects—*all mortal things*. The middle term includes the next largest class—*men*; and the minor term the smallest class—*Socrates*.

The practical use of the syllogism is not in its typical form, and even when so used it is so surrounded with verbiage and its premises so scattered throughout entire paragraphs of material bearing indirectly on the main statements, that the premises and terms are difficult to find. The following item is clipped from a local newspaper, and is less involved than the average:

All business is based upon selfishness, and certainly the banking business is no exception to the rule. Indeed,

banking is the very refinement of business, and therefore the very refinement of selfishness.

Lincoln, in his debate with Douglas, was very desirous of making his argument as conclusive as possible, and presented the following definite inference:

Nothing in the Constitution or laws of any State can destroy a right distinctly and expressly affirmed in the Constitution of the United States.

The right of property in a slave is distinctly and expressly affirmed in the Constitution of the United States.

Therefore, nothing in the Constitution or laws of any State can destroy the right of property in a slave.

I believe that no fault can be pointed out in that argument; assuming the truth of the premises, the conclusion, so far as I have capacity at all to understand it, follows inevitably.<sup>1</sup>

#### RULES FOR SYLLOGISM

1. Rules of Form:

(a) The syllogism has three terms only, each used once.

(Birds fly.

Dogs run.

No conclusion.)

(b) The syllogism has three propositions only.

2. Rules governing the premises:

(a) No conclusion can be inferred from negative premises.

(No men are angels.

No men are perfect.

No conclusion.)

<sup>1</sup> *Complete Works*, edited by Nicolay and Hay, p. 445.



- (b) No conclusion can be inferred from particular premises.  
 (Some birds swim.  
 Some birds hop.  
 No conclusion.)
3. Rules governing distribution:
- (a) The middle term must be distributed (*i.e.*, made universal).  
 (Some girls are pretty. (All girls are pretty.  
 Some girls are tall. Some girls are tall.  
 No conclusion.)  $\therefore$  Some pretty girls are tall).
- (b) No term may be distributed in the conclusion unless distributed in the premise.  
 (All birds have feathers. (All men are bipeds.  
 No man is a bird. Some men are poets.  
 No conclusion.)  $\therefore$  Some poets are bipeds.)
4. Rules governing the conclusion:
- (a) A negative premise gives a negative conclusion, and a negative conclusion must have a negative premise.  
 (All stars twinkle.  
 No planet twinkles.  
 $\therefore$  No planet is a star.)
- (b) A particular premise gives a particular conclusion.  
 (No gentlemen swear.  
 Some gentlemen play ball.  
 $\therefore$  Some ball-players do not swear.)

#### TESTS OF THE SYLLOGISTIC ARGUMENT

1. Are the premises true?
2. Have no rules of the syllogism been violated?

The student will have little difficulty in taking any syllogism and applying the above tests. Usually more difficulty is experienced in constructing the syllogistic argument than in detecting any violation of the tests. The greatest difficulty the debater will experience with the syllogism is the selecting of premises that will not be questioned by his opponent.

A modified form of the syllogism is more frequently used; it is called the *Enthymeme*. This word comes from two Greek words meaning *in the mind*—that is, one of the premises is not expressed. It is, therefore, an abridged syllogism, and should be expanded when we desire to test its validity. Usually the major premise is omitted because this premise always expresses a general truth that is often well known and can be easily supplied mentally. As, Socrates is mortal because he is a man. The major premise—All men are mortal—is understood. Blessed are the pure in heart for they shall see God. It is evident that the conclusion is, *The pure in heart are blessed*; and that the minor premise is, *The pure in heart shall see God*. The major premise is not expressed. If expanded it would be in this form:

1. All those who shall see God are blessed.
2. The pure in heart shall see God.
3. Therefore the pure in heart are blessed.

You can usually detect the syllogistic form of reasoning by the presence of such words as, *since, for, because, therefore, hence, or accordingly*. The only way to become proficient

in expanding the abridged syllogism is practice. And this should be done whenever opportunity affords.

*The Sorites* is another modification of the syllogism. It comes from a Greek word meaning *heap*—sometimes piled up. It is sometimes spoken of as a “chain” of reasoning. It is a compound syllogism, and is made up of three or more premises. The following is adapted from a statement made by Darwin in his *Origin of Species*:

Old maids protect cats; cats kill field-mice; field-mice make nests that in turn are used by the bumblebees; bees carry the pollen from one clover blossom to another. Therefore, the presence of many old maids in a community is not favorable to a good clover crop.

Although the conclusion in the foregoing example is far-fetched, we may have a *sorites* made up of a series of propositions so logically related as to lead to a reasonable and effective conclusion.

*The Dilemma* is still another modification of the syllogism. It is more difficult to formulate than many debaters think. Popularly speaking, it submits two alternatives to the opposition; the acceptance of either will lead him into difficulties. It is derived from two Greek words meaning two assumptions. The dilemma consists in a conditional major premise having more than one antecedent, and a minor premise which is disjunctive. The two pairs of antecedents and their consequences make what is usually termed the *horns* of the dilemma. If the disjunctive major premise is affirm-

ative, leading to an affirmative conclusion, we have the Constructive Dilemma. The typical form is:

If A is B, C is D; and if E is F, C is D;  
But either A is B, or E is F;  
Therefore C is D.

It is said that when Mohammed conquered the city of Alexandria, the question of the destruction of the magnificent library was considered. Mohammed reasoned thus:

If these books contain the same doctrine as the Koran, they are unnecessary;

And if they are at variance with the Koran, they are pernicious;

But they must either contain the same doctrine as the Koran or be at variance with it;

Therefore, these books are either unnecessary or pernicious, and so in either case should be destroyed.

In *Les Misérables*, Javert, a police inspector, when about to arrest Jean Valjean, an escaped convict, is confronted with the following dilemma:

What should he do now? Give up Jean Valjean? That would be wrong. Leave Jean Valjean free? That would be wrong. In the first case the man of authority would fall lower than the man of the galley; in the second, the convict rose higher than the law, and set his foot upon it; in both cases, dishonor to Javert. In every case that was open to him, was a fall.

In the famous Lincoln-Douglas debate, Lincoln

asked Douglas the following question: Can the people of a United States Territory in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits, prior to the formation of a State constitution?

In presenting the question in this form, Lincoln had in mind one or more dilemmas. This one is possible:

If Douglas answers yes, he offends the South, and if he answers no, he offends the North;

But he must answer either yes or no;

Therefore he will offend either the South or the North, and must lose either the Senatorship in the present campaign in Illinois, or the nomination for the Presidency of the United States at the next election.

The main difficulty with the use of the dilemma is that it is hard to exhaust all the possible alternatives. As in the example just cited, it is not always an alternative between yes or no. A good dilemma is positive and convincing, and has been used successfully in many debates.

*Method of Residues.*—This name is given to that form of argument wherein all possible ways of dealing with the question are enumerated, and then showing that only one way is correct. It is a "boiling down" process, sometimes also called the argument of "logical exclusion." In science it is "an argument in which, after showing that all causes but one are insufficient to account for a phenomenon, it is urged that the one remaining cause must be the true one." The method is, then,

a process of reasoning by tests. The debater points out certain determining principles, certain limiting conditions, or depicts some prominent features of the case in point, and makes these representative or determinative of the whole case. Whenever a question lends itself to this method of treatment, it is, by reason of its broadness and comprehensiveness, a very effective plan of procedure. It will be seen that it is in reality a mixed method of refutation and direct proof, refutation preceding and leading to the direct argument. Following is an example from a brief of the question, "Resolved, that the deportation of all negroes in this country to one of our island possessions offers the best solution of the race problem":

I think it will be agreed that the following plans exhaust the possible schemes for the solution of our race problem: (1) Educate the negro and recognize him as an equal co-citizen, fraternizing with him. (2) Let the two races amalgamate and become one race. (3) Let the negro remain a co-citizen in name, but in reality an inferior, a servant, and a slave. (4) Deport the negro to our island possessions, and with government aid let him work out his own salvation.

After showing that the first three plans offer no solution of the problem, and that the last plan does, the following conclusion is reached:

Since to educate the negro and recognize him as an equal is not a possible solution of the race problem, because of his mental inferiority and his physical make-up and since the amalgamation of the race is odious and

impossible; and since to let the negro remain a co-citizen in name and a slave in reality is dangerous to our Government, because it creates strife, class distinction, and loss of respect for law; and since the possible solution left is practical, because it has been tried in the past, because the negro is not commercially necessary to the South, and because it gives a final solution of the race problem—therefore the negroes should be deported to our island possessions.

Another example of this form of argument occurs in Burke's speech on "Conciliation with America":

Sir, if I were capable of engaging you to an equal attention, I would state that, as far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit which prevails in your colonies and disturbs your Government. These are—to change that spirit, as inconvenient, by removing the causes; to prosecute it as criminal; or to comply with it as necessary. I would not be guilty of an imperfect enumeration; I can think of but these three. Another has indeed been started—that of giving up the colonies; but it met so slight a reception that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children, who, when they cannot get all they would have, are resolved to take nothing.

Burke then argues that the first two plans are impracticable, and summarizes as follows:

If, then, the removal of the causes of this spirit of American liberty be for the greater part, or rather entirely, impracticable; if the ideas of criminal process

be inapplicable—or, if applicable, are in the highest degree inexpedient—what way yet remains? No way is open but the third and last—to comply with the American spirit as necessary; or, if you please, to submit to it as a necessary evil.

#### TESTS OF THE METHOD OF RESIDUES

1. Have all possible aspects or solutions been enumerated?
2. Have all aspects but the alleged true one been destroyed?
3. Has the alleged true one been established affirmatively?

All the alternatives should be carefully classified, and as limited in number as possible; but at the same time the enumeration must be exhaustive—that is, it must not overlook any essential consideration—and herein lies the great danger in the use of this method. The preceding example from Burke is, in fact, open to the objection of the “imperfect enumeration” which he sought to avoid—or, rather, to an undue slighting of the plan mentioned by way of an afterthought and not considered in his subsequent argument, “that of giving up the colonies.”

#### EXERCISES

What kind of argument is used in each of the following examples? Point out any fallacies in the reasoning. (Note that some of the examples may not be readily classified under the special kinds of arguments dealt with in this chapter. In such cases any fallacy may usually be detected by reducing the statements to syllogistic form.)



1. The consensus of opinion among the American people is that trusts are assuming threatening proportions; that some method should be devised whereby the general Government shall limit their power. It is to be presumed, therefore, that a trust is an economic evil; and such presumption, in turn, carries with it the further presumption that there is a remedy for such evil.

2. It is our duty to retain possession of the Philippine Islands, for the Report of the Philippine Commission so declares.

3. The government of India by England has proved a losing financial venture; therefore we may expect the same will prove true of the government of the Philippines by America.

4. We have had a period of general prosperity under the operation of a protective tariff. We must therefore conclude that protection is a good thing for this country.

5. One of three principles must be applied in inflicting punishment for crime: (1) Revenge on the criminal; (2) the protection of society; or (3) the reform of the criminal. The first is inhuman, the second can be accomplished in applying the third. Therefore the reform of the criminal should be the object of all penal legislation; and if this be true, capital punishment should be abolished, for how can you reform a dead man?

6. If we can show that a large majority of successful business men are college graduates, is not the inference plain that a college education prepares one for a business career?

7. "Walter McMillan will serve as a good illustration of a young man who 'woke up.' He was employed as a clerk by the Armour Packing Company of Kansas City, with nothing in prospect but his desk with its endless drudgery. He read the signs correctly, and after careful investigation decided that the Chicane College of Advertising could give him the thorough, practical advertising education he craved. Almost immediately after completing the course he was referred by the College to the *Kansas City Journal*, where he started at just four times the salary he was receiving in his former position. He is there to-day and has been still further advanced. What Mr. McMillan has done you can do."

8. Dr. John Smith's Soothing Syrup has been used for over fifty years by millions of mothers for their children, while teething, with perfect success. All mothers having children which are teething should use it.

9. Mr. Clarence Darrow, the lawyer who won great distinction as counsel for the United Mine Workers' Union before the Anthracite Coal Strike Commission, is representing the street-car employees in the Chicago trouble. We may therefore look for an amicable settlement of the latter strike in the near future.

10. New Zealand has for several years had in successful operation a law requiring the compulsory arbitration of industrial disputes. The United States should have a similar law.

11. Nations, like individuals, are born, flourish, and decay. We may therefore infer the ultimate downfall of this Republic.

12. Of course you ought to be good, for you belong to a church and go to prayer-meeting; but I make no professions.

13. Written examinations are not an absolutely fair test of a student's scholarship—much less of his industry and intelligence. It is therefore wrong to base his grade upon them.

14. I am justified in passing this counterfeit money. The public gave it to me and the public ought to get it back again.

15. Everybody ought to contribute something to the support of the unfortunate; therefore there is no harm in a law which compels him to do so.

16. We all drank this water and none of us became sick, so this outcry about the danger of typhoid is all nonsense.

17. The people who say that athletic victories do not increase the attendance at a school are mistaken. In the last six years we have beaten our main rival in football five times; and in that period the number of students here has increased from 750 to 1,200.

18. The referendum has been tried in Switzerland and has worked well for a number of years; we may therefore reasonably expect that it would work well in the United States.

19. Trains run with Blank's oil have made the fastest time in railway records.

20. One of two things is true—either the laws of the Union are beyond the control of the States, or else we have no Constitution of general government, and are thrust back again to the days of the Confederation.—(WEBSTER.)

21. "Heretofore, and until very recently, the Democratic Senators have been very far from agreeing about tariff questions. A number of them have been as radical in their tariff-reform views as the Democrats of the other House. It seemed, on this account, antecedently impossible to bring the Democrats of the Senate together in support of the great measure that Mr. Underwood, with President Wilson's approval, carried through the House of Representatives."

22. "It is strictly in accordance with the protective principle that we should only have a protective tariff between us and countries to which the conditions are so dissimilar as to make a difference in the cost of production. Now it is known by all men that the general conditions that prevail in Canada are the same as those which obtain in the United States in the matter of agricultural products. Indeed, if there is any advantage, the advantage is largely on the side of the United States, because we have a much greater variety of products, in view of the varieties of our climate, than they can have in Canada." (*From a speech by ex-President Taft on the proposed Reciprocity Treaty with Canada.*)

23. "Suppose you examine 1,000 families having drunken parents. You find, say, that 7 per cent. of the children are defective. You conclude that the children are defective because the parents drank. But presently I report just as high a percentage of defectives in another 1,000 families, taken at random, whose parents never drank a drop. You see the point: the statistics of your 1,000 families are not collated with those of non-alcoholic families; that is, you are assaying a picked sample of humanity, not a random or average sample." (*From an article in the "American Magazine" for January, 1913.*)

24. England established a protectorate over Egypt and the Transvaal, and eventually owned them; France did the same to Morocco; Austria, to Bosnia and Herzegovina; Japan, to

Korea; therefore, if the United States established a protectorate over Mexico, we would eventually own it.

25. Expand the following enthymemes, and tell which premise is understood:

- (a) We do not need a large navy, for we are protected by the oceans.
- (b) All beetles have six legs, because they are insects.
- (c) All kings are men, therefore must die.
- (d) Blessed are the meek, for they shall inherit the earth.
- (e) Inasmuch as ye have done it unto the least of these my brethren ye have done it unto me.

26. Name the major, minor, and middle terms in the following:

- (a) Americans love freedom; Mr. Jones is an American, and hence loves freedom.
- (b) All leeches must be true worms; for all annelids are worms, and leeches are annelids.

27. Construct a syllogism with *eagle* as the minor term, *birds of prey* as the middle term, and *capable of sustained flight* as the major term.

28. With *insects are vertebrates* as a major premise, supply a minor premise to prove that *butterflies are vertebrates*.

29. Bring to the class an example of each of the modes of Inductive and Deductive inferences.

## VI

### ARGUMENT—REFUTATION

**REFUTATION** is the process of weakening or destroying the contention of the opposition. It consists of defense and attack; advancing your own position and destroying the position maintained by your opponent.

Refutation, like constructive argument, may be direct or indirect. When a speaker meets objections to his argument, it is direct refutation; when he produces an argument to supplant that offered against him, that is indirect refutation. Refutation, therefore, is not only destructive, in the sense of detaching separate points for answer; it is also constructive. It may meet a given plan by showing that another plan is better; it may meet the other side as a whole by proving one's own side as a whole is stronger. And such indirect refutation is the more effective. Negative argument alone is rarely sufficient. Belief is essentially positive; hence the best refutation not only tears down, but also builds up—supplies something better than the thing destroyed. In debating a question of policy, for example, unanswered objections to a proposed

solution for existing evils would fulfil the requirements of pure logic, but it would not meet the requirements of the average audience. If the opponent of the proposed plan can go further, and show a better plan, his case is infinitely strengthened.

Effective refutation, usually the most difficult branch of argumentation for a student to master, depends upon following pretty closely these two rules: (1) *Clearly analyze your opponent's arguments*, and (2) *Answer only the strong arguments against you*.

1. Since refutation is either the destruction or overbalancing of an opponent's proof, the debater must always recognize, first, that there is an opposing side, and, secondly—when he is upholding the negative—that the opponent is already in possession of the field. It will not do, therefore, in either the preparation or progress of the debate to ignore the arguments against you. In the course of preparation the successful debater will always learn the strong and weak points of the other side, as well as those of his own side. He will be ready, not only to defend himself against attack, but will have decided upon a line of refutation to meet each one of several lines of argument that may be offered by his opponent. The first requirement, then, of successful refutation is to study the other side; and then, in actual debate, to state clearly—more clearly, if possible, than your opponent states it—the proof produced against you. “The case of my opponent,” the debater replies, “amounts to this”; or, “In the argument of my opponent,

we may for the present waive all but the third point." The statement of the opponent's case must of course be honest, comprehensive, and fair, and *it must appear to be so to the hearers*. A study of masterpieces in argumentation will show how great debaters have acted on this principle. It is said that the success of Lincoln and Webster in legal arguments was due largely to their handling of the opponent's case. As bearing on both of the rules above laid down, Lincoln's method is thus described by a member of the Chicago Bar:

He was wise in knowing what to attempt and what to let alone. He was fair to the court, the jury, and his adversary; candor compels me to say, however, that he by practice learned there was power in this. As he entered the trial, where most lawyers object he said he "reckoned" it would be fair to admit this or that; and sometimes when his adversary could not prove what Lincoln knew to be the truth, he said he "reckoned" it would be fair to admit the truth to be so and so. When he did object to a ruling of the court and such objection was overruled, he would often say, "Well, I reckon I must be wrong." Now, about the time he had practised this three-quarters through the case, if his adversary did not understand him he would wake up finding that he had feared the Greeks too late. When the whole thing was unraveled the adversary began to see that what Lincoln was so blandly giving away was simply what he could not get and keep. By giving away six points and carrying the seventh he carried his case; the whole case hanging on the seventh, he traded everything off which would not aid him in carrying that vital point.

In his Reply to Hayne, Webster thus states the arguments adduced against him:

I understand the honorable gentleman from South Carolina to maintain that it is a right of the State legislatures to interfere whenever, in their judgment, this Government transcends its constitutional limits, and to arrest the operation of its laws. I understand him to maintain this right as a right existing *under* the Constitution, not as a right to overthrow it on the ground of extreme necessity, such as would justify revolution. I understand him to maintain an authority, on the part of the States, thus to interfere for the purpose of correcting the exercise by the general Government, of checking it, and of compelling it to conform to their opinion of the extent of its powers. I understand him to maintain that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the general Government or any branch of it; but that, on the contrary, the States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the general Government transcends its power. I understand him to insist that if the exigency of the case, in the opinion of any State Government, require it, such State Government may, by its own sovereign authority, annul an act of the general Government which it deems plainly and palpably unconstitutional. This is the sum of what I understand from him to be the South Carolina doctrine, and the doctrine which he maintains. I propose to consider it, and compare it with the Constitution.<sup>1</sup>

2. The stated analysis of your opponent's argument leads naturally to the second step in refu-

<sup>1</sup> *The Great Debates*, Riverside Series, p. 182.



tation—answering the strong arguments against you. And only the strong opposing arguments are to be answered. While there is great danger in refuting too little, there is the still greater danger of refuting too much. The typically clumsy debater takes up his refutation by rehearsing a long list of “points” that he has noted down for the purpose of answering. Many of these are wholly irrelevant, or at best they are of little argumentative force, and the rehearsal of these “points” only serves to emphasize them unduly to the minds of the hearers. “The speaker who hurls a ponderous refutation at a weak argument is like a builder who should erect a huge derrick in order to lift a small stone; people would infer that the stone must be much heavier than it looks.”<sup>1</sup> In this sort of refutation the debater only dissipates his energies and scatters his forces. This scattering method naturally gives his argument a scattering effect. His refutation is a series of pop-gun shots all about his enemy’s intrenchments, without sending a solid shot at any vital part. Effective refutation (and direct argument as well) does not consist in enumerating “points,” but rather in aiming at points vital to the issue. “Refutation is not a Donnybrook Fair; don’t hit every head you see, but aim at the leaders.”<sup>2</sup> Just as in the analysis of a question to determine the issues extraneous matter is excluded, so in refutation the debater must subordinate the less important and strike at central ideas.

<sup>1</sup> Clark, *Practical Rhetoric*, p. 297.

<sup>2</sup> Baker and Huntington, *Principles of Argumentation*, p. 174.

Now, an opponent's arguments, for the purpose of refutation, may be roughly divided into these four classes: (1) Those which may safely and properly be admitted as true. Admit them. (2) Those which are beside the point, having no argumentative force—including statements made inadvertently, mere slips of memory, and the like. Ignore these, or at the most brush them aside with a sentence or two. (3) Those having some bearing on the question, but more or less remotely related to it. Answer these briefly, if time permits. (4) Those bearing directly on the issues—the really strong arguments against you. Answer these first and foremost.

To refute, then, one must detect the weak places, or gaps, in an opposing argument, and aim at them. Such gaps are known as *fallacies*.

### FALLACIES

Since it is impossible in debating generally to prove any proposition absolutely, every mode of argument has its individual fallacy or fallacies which constitutes its special weakness. In the preceding chapter, under the different kinds of constructive arguments the possible fallacies peculiar to each were pointed out in the enumeration of "tests." By way of recapitulation, the debater, for the purpose of refutation, must ask himself and be ready to answer such questions as: Has the opposing speaker indulged in mere assertions, without proof? Has he presented the facts correctly?

If so, has he drawn unwarranted inferences from admitted facts? Is the evidence submitted open to attack? Is the authority on which he relies competent, unprejudiced, and otherwise acceptable? Are there any gaps in his arguments from casual relationship? Are examples and analogies based on true resemblances to the case in point? Has your opponent been guilty of imperfect enumeration or hasty generalization? Are his premises true and have proper conclusions been drawn from them?

### SPECIAL FORMS OF FALLACIES

In addition to the preceding, logicians have classified various special forms of fallacious reasoning, among which are the following:

1. *Begging the question* (*petitio principii*).—This fallacy consists, generally, in assuming what is to be proved. Two forms are generally recognized:

a. *Unwarranted assumptions*.—These include mere assertions without proof; unadmitted assumptions used as proof; assuming some general proposition which includes the particular proposition to be proved; and assuming the equivalent of the conclusion to be reached.

It might seem strange that any one would be so foolish as to assume the truth of his conclusion as a means of proving it, nevertheless it is a fault all too common in amateur debating; and words and phrases, especially in a long discussion, help to cloak the error. For example: "A prohibitory law should be enacted, for this is the only way to

control the liquor traffic," begs the question, since the second proposition assumes the truth of the first proposition. So, a religious body condemning a belief because it is "heresy," begs the question, since heresy is a belief which should be condemned. "Immigrants should be excluded from this country, for they are not needed," stated in the form of a syllogism, would read: All that is not needed in this country should be excluded; immigrants are not needed; therefore immigrants should be excluded. It is readily apparent that both the major and minor premises are unwarranted assertions. If one says, "The Germans will win this battle because they are irresistible," the reasoning is based on an unproved general proposition which includes the particular proposition to be proved. And any statement which, instead of supporting a proposition, merely states it in another form by varying the expression, or assigns the proposition incidents granting it to be true, or in any way assumes the truth of what is to be proved—is only a mere repetition of the proposition, and is no argument or proof.

b. *Arguing in a circle*.—This fallacy consists in assuming the truth of a premise, then deducing a conclusion from this premise, and then using this conclusion to establish the premise. Thus, a catchy advertisement of a certain restaurant reads: "If it is good to eat, we have it; for if we have it, it is good to eat." In the case of *Ogden vs. Saunders* Webster thus analyzed an extended argument by the opposing counsel:

The plaintiff in error argues in a complete circle. He supposes the parties to this contract to have had reference to the statute law because it was a binding law, and yet he proves it to be a binding law only upon the ground that such reference was made to it.

2. *Ignoring the question (ignoratio elenchi)*, or ignoring what is to be proved. This fallacy results when the speaker argues beside the point, or to the wrong point. He may either shift from one argument to another, or he may avoid the main issue altogether. The reasoning may not be fallacious in itself, but the fallacy lies in a gap between the proof offered and the main issues. Sometimes a debater will glide almost imperceptibly from one proposition to another, and his opponent needs to revert constantly to the analysis of the question to make him meet the case. The politician, called upon to reply to warranted criticisms upon some party measure, is wont to indulge in vague talk about "local self-government," "constitutional rights," and the like. When hard pressed as to the real merits of the case, the attorney frequently resorts to pleas for "justice" and "righteousness"; or he may dwell upon the crime rather than upon the guilt of the prisoner. The debater may dwell upon the evils of intemperance, when the question is the best remedy to cure such evils. The following oft-quoted extract shows what Macaulay claimed was a wide-spread use of this fallacy:

The advocates of Charles the First, like the advocates of other malefactors against whom overwhelm-

ing evidence is produced, generally decline all controversy about the facts, and content themselves with calling attention to character. . . . And what, after all, are the virtues ascribed to Charles? A religious zeal, not more sincere than that of his son, and fully as weak and narrow-minded, and a few of the ordinary household decencies which half the tombstones in England claim for those who lie beneath them. A good father! A good husband! Ample apologies indeed for fifteen years of persecution, tyranny, and falsehood! We charge him with having broken his coronation oath; and we are told that he kept his marriage vow! We accuse him of having given up his people to the merciless inflictions of the most hot-headed and hard-hearted of prelates; and the defense is, that he took his little son on his knee and kissed him! We censure him for having violated the articles of the Petition of Right, after having, for good and valuable consideration, promised to observe them; and we are informed that he was accustomed to hear prayers at six o'clock in the morning! . . . We cannot, in estimating the character of an individual, leave out of our consideration his conduct in the most important of all human relations; and if in that relation we find him selfish, cruel, and deceitful, we shall take the liberty to call him a bad man, in spite of all his temperance at table and all his regularity at chapel.

c. *Part proof*.—Another form of ignoring the question is, to ignore the important issue, prove only a subdivision, yet insist that the entire proposition has been proved. A lawyer will sometimes attempt to prove a prisoner guilty of a specific crime, by proving that the prisoner has a criminal record, or by proving that there was a motive for

the crime, or that the prisoner was in the community when the crime was committed. "Wilson's administration is a failure," writes a local correspondent, "because he permits the killing of American citizens in Mexico." "The writings of Hawthorne are uninteresting," says a student, "for I have read *The House of the Seven Gables*, and I didn't like it."

d. *Making objections*.—Just because a measure is not perfect, is not sufficient reason to reject it. Two questions should always be asked when objections are raised: (1) Are the objections vital to the point at issue? and (2) Do the objections outweigh the advantages? It has been argued against compulsory education that it cannot be enforced. The answer would be, every law that is not a dead letter has been transgressed. Objections have been made to national prohibition that it would violate States' rights. Or, that prohibition would interfere with personal liberty. Yet personal liberty is never an issue when a smallpox patient is compelled to move to the city hospital. There are some objections to every question, and the advancement of a single objection and thereby claiming that the question has been refuted, is a fallacy.

e. *Argumentum ad populum*.—This is the name of an old fallacy that appeals to the prejudice, passion, or humor of the hearers rather than to their intellect. Such a speech bears very remotely on the question at issue. People are frequently more easily moved to action through their passions and prejudices than through their intelligence. Antony's speech at the funeral of Julius Cæsar is

a classical example. The entire speech contains very little about the question at issue between Brutus and Cæsar's adherents. Antony plays on the passion and greed of the rabble with such demagogic skill that he turns them from avowed enemies to the most obedient slaves.

f. *Argumentum ad ignorantiam*.—There are two divisions of this fallacy: one is to take advantage of the ignorance of your audience and use words and phrases so high-sounding and learned as to impress your hearers with the fact that you are very learned, and although they are unable to follow your argument, they cannot believe you in the wrong. For this purpose foreign phrases are often introduced. The second form of this fallacy is more frequently used—namely, that of attempting to throw the burden of proof upon the other party to an argument, when in the nature of the case disproof is as impossible as proof; or, it is an attempt to prove a given proposition true by showing that its opposite cannot be proved. But proving a thing untrue is not proving its opposite. The fallacy consists in confusing refutation with positive proof. The man who argues that the soul dies because no one has ever proved its immortality, or *vice versa*, is using this fallacy. Debaters are very prone to shift the burden of proof to the opposition, instead of meeting the issue squarely. Sometimes the negative side will suggest a substitute measure without offering any substantial proof of its merits, and insist that the affirmative must disprove its superiority over the measure proposed.



g. *Argumentum ad verecundiam*.—This fallacy represents an attempt on the part of the speaker to move his audience by an appeal to reverence of authority, traditions, customs, etc. A long list of great and reputable names is submitted in support of a proposition instead of proving it on rational grounds. Ancient and religious names are frequently used. It is an argument from precedent, or, "whatever has been, should be." This kind of thinking made the Middle Ages so barren, and is what has kept China non-progressive throughout the centuries. Henry Clay was guilty of this fallacy when he said, "Two hundred years of legislation have sanctioned and sanctified negro slaves as property." Washington, Jefferson, Jackson, and Lincoln are names with which to conjure in political campaigns; Plato and Spencer, in philosophy; and Froebel and Horace Mann, in education.

A lawyer, perturbed at the evidence submitted by his opponent, said: "Why, I never heard of such a thing in all my life." "Your Honor," came the quick reply, "I cannot allow the gentleman's ignorance, however vast, to offset my knowledge, however small."

h. *Argumentum ad hominem*.—This argument is an appeal or attack "addressed to the peculiar circumstances, character, avowed opinions, or past conduct of the individual, and therefore has reference to him only, and does not bear directly and absolutely on the real question."<sup>1</sup> It attacks an

<sup>1</sup> Whately, *Elements of Logic*, p. 237.

opponent's consistency or character, rather than his argument. It is often heard in courts of law and in political campaigns, when men and not principles are attacked. It is gratifying to note, however, that this kind of argument has become less and less common in modern public debate. When an opponent's character is attacked, it obviously has no bearing on the merits of a question other than to discredit him as a witness. And when his consistency is attacked, this, too, can go no farther than to discredit him personally; it leaves the real question untouched. The urging of an opponent's inconsistency—that his advocacy of a certain measure is contrary to his opinions as previously expressed, or with his circumstances—has, it is true, a certain force in popular harangues, but the argument is frequently worked beyond its legitimate limits. Suppose a man does argue contrary to his record or to his circumstances—what of it? This fact has no bearing on his argument, nor does it necessarily impeach his sincerity.

3. *Ambiguous terminology.*—The debater can never be too careful about the words he uses and the manner in which he uses them. To be able to express just the right shade of meaning demands a careful study of synonyms and diction. Such words as *mob*, *crowd*, *democratic*, *representative*, are frequently used to express more than one meaning by the same speaker. Words like *expansion*, *socialism*, *anarchy*, may be used either in a colorless or in a prejudicial sense, but they cannot properly be used in both senses in the same argumen

Again, great care should be used to avoid applying the same meaning to different words. Inaccurate thinkers and speakers often confuse such words as *socialist* and *sociologist*, *socialism* and *Marxism*, *spiritualism* and *spirituality*, *value* and *price*, *military* and *militarism*, etc. Each word has a definite and precise meaning and should be used with all possible accuracy by the debater. The wrong meaning of a particular word, as applied to a particular statement, is another common form of this fallacy. A bald example—though an argument not infrequently used—is the following: The Declaration of Independence declares that all men are created free and equal; therefore the negro is the equal of the white man.

4. *Composition and division*.—These two fallacies may be considered together, although the one is the converse of the other. The fallacy of *composition* consists in assuming that what is true of a part is true of the whole. Because two individuals have not been a success financially it does not follow that when married they will not be a success. It is fallacious to assume that what is true of each member of a class taken distributively, the same holds true of the class taken collectively. Each man in a regiment may be a coward, while the regiment may be very brave. The crowd mind thinks differently from the separate individuals composing that crowd.

The fallacy of *division* consists in assuming that what is true of the whole is true of a part. Water is a liquid, but the separate elements—oxygen and

hydrogen—are not liquids. The United States as a nation was neutral in its attitude toward the European war, but it does not follow that each of its citizens was neutral. A committee may give a student first place in a contest, while no single member of that committee ranked him first.

#### SPECIAL METHODS OF REFUTATION

It is sometimes desirable to attack an opponent's argument as a whole. Especially is this true when the debate is upon some definite question. But whether aimed at an argument in its entirety or at some single argument in a debate, following are some special methods often used for the purpose of destroying or diminishing the force of the arguments of the opposition.

1. *Reductio ad absurdum*.—One of the most commonly used methods of refutation is that of reducing an argument to an absurdity, or, as it is named, the *reductio ad absurdum*—a term borrowed from geometrical demonstration. By this method, the refuter assumes for the moment that a given proposition is true, and then points out the absurd results to which it leads. The method may of course be used as to the main question under discussion, or as to any particular proposition advanced by an opponent. Following is a classic example from Webster's Reply to Hayne:

And now, Mr. President, let me run the honorable gentleman's doctrine a little into its practical application. Let us look at his probable *modus operandi*. 1

a thing can be done, an ingenious man can tell *how* it is to be done, and I wish to be informed how this State interference is to be put in practice without violence, bloodshed, and rebellion. We will take the existing case of the tariff law. South Carolina is said to have made up her opinion upon it. If we do not repeal it (as we probably shall not), she will then apply to the case the remedy of her doctrine. She will, we must suppose, pass a law of her Legislature declaring the several Acts of Congress, usually called the tariff laws, null and void, so far as they respect South Carolina or the citizens thereof. So far, all is a paper transaction, and easy enough. But the collector at Charleston is collecting the duties imposed by these tariff laws. He, therefore, must be stopped. The collector will seize the goods if the tariff duties are not paid. The State authorities will undertake their rescue. The marshal, with his posse, will come to the collector's aid, and here the contest begins. The militia of the State will be called out to sustain the nullifying Act. They will march, sir, under a very gallant leader, for I believe the honorable member himself commands the militia in that part of the State. He will raise the nullifying Act on his standard and spread it out as his banner. It will have a preamble, setting forth that the tariff laws are palpable, deliberate, and dangerous violations of the Constitution! He will proceed, with his banner flying, to the custom-house in Charleston,

“All the while,  
Sonorous metal blowing martial sounds.”

Arrived at the custom-house, he will tell the collector that he must collect no more duties under any of the tariff laws. . . . But, sir, the collector would not, prob-

ably, desist at his bidding. He would show him the law of Congress, the Treasury instruction, and his own oath of office. He would say he should perform his duty, come what might. . . . Direct collision, therefore, between force and force is the unavoidable result of that remedy for the revision of unconstitutional laws which the gentleman contends for. It must happen in the very first case to which it is applied.<sup>1</sup>

A form of the *reductio ad absurdum* is that of "enforcing the consequences," or, as we commonly say, such and such an argument "proves too much." It proves not only its own conclusion, but also one or more others which are absurd. The refuter shows that an opponent's argument leads to undesirable conditions or results over and beyond the matter under immediate discussion. Thus, in the debate in the United States Senate relative to the Philippine question, in 1900, replying to the argument of Senator Beveridge, that to establish a good colonial government abroad would stimulate good government at home, Senator Hoar said:

If I understood him correctly, he said also that he thought it was not necessary to wait until we could get the very best of government here, but if we established it abroad under some commissioners to be appointed by some executive authority, they would govern so well that they would furnish a good example for us at home, and we should improve. I suppose, though he did not say it, that he thinks also we had better not have free speech here in the United States Senate until

<sup>1</sup> *The Great Debate*, pp. 208-211.

they have got it out among the Filipinos, to see whether it works there, and then it may come back to us in a way which would gradually permit us to use it here, in a sort of diluted form.

The *reductio ad absurdum* is the most commonly used, perhaps, of all the methods of refutation. By reason of its simplicity and directness, together with a flavor of humor that frequently accompanies its use, the method is, when well conceived and carried out, very effective.

2. *Adopting an opponent's evidence.*—This method is commonly called "turning the tables." It consists in taking the evidence which was submitted by an opponent and using it to support your own contention or to refute his. This is an effective weapon in the hands of an alert debater. The opportunity presents itself when an opponent does not grasp the full significance of the evidence he submits and its ultimate bearing on the question at issue. Thus, in a debate on *The Abolition of Capital Punishment*, the affirmative cited the Mosaic law which declared the doctrine of "an eye for an eye and a tooth for a tooth." The negative accepted the Mosaic law and turned the tables by quoting the commandment, "Thou shalt not kill."

Lincoln used this method in turning the warning of Washington against those who had used it against abolition:

Some of you delight to flaunt in our faces the warning against sectional parties given by Washington in his Farewell Address. Less than eight years before

Washington gave that warning, he had, as President of the United States, approved and signed an Act of Congress enforcing the prohibition of slavery in the Northwest Territory, which Act embodied the policy of the Government upon the subject up to and at the very moment he penned that warning; and about one year after he penned it, he wrote Lafayette that he considered that prohibition a wise measure, expressing in the same connection his hope that we should at some time have a confederacy of free States.

Bearing this in mind, and seeing that sectionalism has since risen upon this same subject, is that warning a weapon in your hands against us, or in our hands against you? Could Washington himself speak, would he cast the blame of that sectionalism upon us who sustain his policy, or upon you who repudiate it? We respect the warning of Washington, and we commend it to you, together with his example pointing to the right application of it.<sup>1</sup>

3. *Exposing inconsistencies.*—We saw in Chapter IV that evidence should be consistent with (1) itself, (2) other facts in the case, (3) ordinary experience. In any debate inconsistencies may readily appear either in the evidence itself or in the conclusions inferred from the evidence. Every debater should carefully guard his own evidence and make it consistent with that offered by his colleague, and then watch for any inconsistencies in the proof submitted by his opponents.

In the Lincoln-Douglas debates, Douglas had maintained that slavery could be lawfully excluded

<sup>1</sup> Lincoln's Cooper Institute Speech, *Lincoln-Douglas Debates*, Bouton.



from a territory in spite of the Dred Scott decision. Lincoln exposes the inconsistency as follows:

The Dred Scott Decision expressly gives every citizen of the United States a right to carry his slaves into the United States Territories. Now, there was some inconsistency in saying that the decision was right, and saying, too, that the people of the territory could lawfully drive slavery out again. When all the trash, the words, the collateral matter, was cleared away from it, all the chaff was fanned out of it, it was bare absurdity: no less than a thing may be lawfully driven away from a place where it has a lawful right to be. Clear it of all the verbiage, and that is the naked truth of his proposition, that a thing may be lawfully driven from the place where it has a lawful right to be.<sup>1</sup>

4. *Amplifying and diminishing.*—To amplify and diminish one uses both direct argument and refutation, but the effect is largely that of refutation. The method consists in magnifying (amplifying) your own argument, and at the same time belittling (diminishing) that of your opponent. It is, therefore, a balancing process, the arguments *pro* and *con* being placed in juxtaposition with the object of giving a more favorable view to your side of the case. To cite a standard example, Burke refutes Lord North's plan for conciliating the American colonies by amplifying his own plan and diminishing that of Lord North's:

Compare the two. This I offer to give you is plain and simple; the other full of perplexed and intricate

<sup>1</sup> *Lincoln-Douglas Debates*, p. 379.

mazes. This is mild; that harsh. This is found by experience effectual for its purposes; the other is a new project. This is universal; the other calculated for certain colonies only. This is immediate in its conciliatory operation; the other remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people—gratuitous, unconditional, and not held out as a matter of bargain and sale.

Demosthenes uses this method in his speech *On the Crown*. It was really a debate between Demosthenes and Æschines, the loser to be exiled:

Contrast now the circumstances of your life and mine, Æschines, and then ask these people whose fortunes they would each of them prefer. You taught reading, I went to school; you performed initiations, I received them; you danced in the chorus, I furnished it; you were assembly clerk, I was speaker; you acted third parts, I heard you; you broke down, and I hissed; you have worked as a statesman for the enemy, I for my country.

This method of Amplifying and Diminishing is of service as a summary at the close of a debate. The arguments of the opposition may be profitably contrasted with your own, the effort being, of course, to show the greater strength of your own arguments.

### EXERCISES

Let the student point out the general method of refutation and the fallacies, if any, in the following arguments:

1. It is said that the control of trusts by the Federal Government is unjustifiable and unconstitutional. But why should not the Government control such monopolistic and unjustifiable combinations?

2. With the free and unlimited coinage of silver at the ratio of 16 to 1, silver either would or would not maintain its parity with gold. If silver should maintain its parity, free coinage is unnecessary, for that is the condition at present; if it should not, free coinage is undesirable, for it would cause inflated prices and business unrest.

3. The Declaration of Independence declares that all men are free and equal. Therefore the negro is the equal of the white man.

4. All criminal actions ought to be punished by law. Prosecutions for theft are criminal actions. Therefore, prosecutions for theft ought to be punished by law.

5. It is always wrong to lie; for any departure, for any reason whatever, from the one invariable law of absolute veracity is always reprehensible.

6. This island empire The [Philippines] is the last land left in all the oceans. If it should prove a mistake to abandon it, the blunder, once made, would be irretrievable. If it proves a mistake to hold it, the error can be corrected when we will. Every other progressive nation stands ready to relieve us.—(*Beveridge.*)

7. So those are your arguments against my course of conduct; and yet the fact remains that when you were in my position you did the very thing that you are now advising me not to do.

8. If a student likes his studies he needs no stimulus; if he dislikes his studies no stimulus will avail; but a student either likes his studies or he dislikes them; therefore stimulus is either not necessary, or it is of no avail.

9. You cannot help going with the minority, who are struggling for their rights against the majority. Nothing could be more generous, when a weak party stands for its own legitimate rights against imperious pride and power, than to sympathize with the weak. But who ever sympathized with a weak thief, because three constables had got hold of him? And yet the one thief in the three policemen's hands is the weaker party. I suppose you would sympathize with him.—(*Beecher, Liverpool Speech.*)

10. The increased immigration of Japanese would be bene-

ficial to the State of Texas; therefore it would be beneficial to the United States.

11. The Panama Canal will be commercially beneficial to the United States; therefore it will be commercially beneficial to the State of New York.

12. This State has many undeveloped resources. But we have a State University. Therefore the higher education unfits one for a business career.

13. Plug-hats are worn in all civilized countries. In barbaric countries there are no plug-hats. Therefore, it is impossible to have civilization without plug-hats.—(*Elbert Hubbard.*)

14. The United States was not neutral in the European war because she furnished arms and ammunition to the Allies.

15. The minimum wage will be a success in the United States because it has been a success in Australia, New Zealand, and England.

16. Unemployment causes the poverty of a nation.

17. *Æschines* is either inconsistent or unpatriotic; for he either joined in the public rejoicings, or else he did not. If he did join in them, he was inconsistent. If he did not join in them, he was unpatriotic. In either case he is guilty.—(*Demosthenes.*)

18. The battleship *Texas* is invincible, for we have a strong navy.

19. "Officer, arrest this man for procrastination."

"But procrastination is no crime."

"Yes, but isn't procrastination the thief of time?"

"But you cannot arrest a man for stealing time."

"Yes, but isn't time money?"

20. A Missouri ranchman telegraphed his friend, "If you desire any more mules do not forget me."

21. "Statistics prove that the length of the business man's life is not so long as it was twenty years ago."—(*L. C. Weismiller.*)

22. "The girl who has had her breakfast served to her every day, who has been helped to dress, who has been sheltered from all domestic duties, is not fit for a wife and mother."—(*Prof. Charles Zeublin.*)

23. Protagoras, the sophist, is said to have made an agree-

ment to teach Euathlus the art of pleading for a fee. One-half was to be paid when fully instructed, and the other half when he won his first case in court. Euathlus put off beginning his practice, and Protagoras brought suit for the other half of his fee. Protagoras reasoned thus:

"If Euathlus loses his case, he must pay me, by the judgment of the court; if he wins, he must pay me according to the terms of the contract. But he must either win or lose; therefore he must pay me in either case."

His pupil, Euathlus, offered the following rebuttal:

"If I win the case I ought not to pay, by the judgment of the court; and if I lose it, I ought not to pay, by the terms of the contract. But I must either win or lose, therefore I ought not to pay."

24. "I wonder if the Germans have actually committed all those atrocities?"

"I wouldn't be surprised. I once had a German cook."

25. Every lawyer that I have ever seen has been able to make a living if he half tries. Then cannot we say that all lawyers, if they try, are going to make a living? This statement must stand until some one can show us an exception.

26. I believe that the cost of living should be high, because those who can afford it are in no wise injured thereby, while the lower classes are thus left with less money to spend for drink and other harmful things.

27. Our successful career as grocerymen in Temple—first as deliverymen, then clerks, then merchants, are evidences of some claim which the public has on us. And again the reliability in our goods, coupled with our ability to give you a hundred cents for every dollar you spend with us, is enough. Besides, we are out of the high-rent district and here is where you save again. If you don't believe what we say, try us.

28. You charge that we stir insurrections among our slaves. We deny it; and what is your proof? Harper's Ferry! John Brown! John Brown was no Republican; and you have failed to implicate a single Republican in his Harper's Ferry enterprise. If any member of our party is guilty in that matter, you know it or you do not know it. If you do know it, you are

inexcusable for not designating the man and proving the fact. If you do not know it, you are inexcusable for asserting it, and especially for persisting in the assertion you have tried and failed to make the proof.—(*Lincoln, Address at Cooper Institute.*)

29. When I consider that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous to make them unserviceable in order to keep them obedient.—(*Burke.*)

30. Senator Depew's opinion of the United States Senate is that it displays "an absence of jobbery, an unselfish devotion to the public service, a sincere and hopeful patriotism, and a broad, comprehensive, and statesmanlike grasp of the necessities of the country and the possibilities of its development worthy of the best days of the Republic." The history of the last river and harbor bill showed that conclusively.—(*The Philadelphia Ledger.*)

31. I do not admit the competency of South Carolina, or any other State, to prescribe my constitutional duty or to pass upon the validity of laws enacted by Congress. . . . And, sir, if we look to the general nature of the case, could anything have been more preposterous than to make a government for the whole Union, and yet leave its powers subject, not to one interpretation, but to thirteen or twenty-four interpretations? . . . Would anything with such a principle in it, or rather with such a destitution of all principles, be fit to be called a government? No, sir. It should not be denominated a Constitution. It should be called, rather, a collection of topics for everlasting controversy; heads of debate for a disputatious people.—(*Webster, Reply to Hayne.*)

32. "There is no doubt," he said, "that when a man eats flesh he puts into himself a certain poison which is detrimental to his well-being. There is no doubt of that, is there?"

"You seem to have none," I said.

"Of course I haven't! Nor has any other person who isn't so bound by custom that he is blind to his own interests. I know what I am talking about. Why, since I became a vegetarian I have lost all the ills I had. I never catch cold; nor have I any dyspepsia or sciatica. Did you ever have sciatica?"

"Not yet."

He rubbed his leg.

"It is frightful!" he said. "I had it for twenty-five years; and I had lumbago and a lot of other things. Now they are all gone—vanished! And they all were the results of eating meat."

33. Senator A—— has voluntarily told you gentlemen of the Senate that he has now in his pocket 500 poll-tax receipts. The vote of B—— County is largely Mexican votes. Senator A—— has been elected to the Senate by those votes. He is a big property-holder in that county, and seeks to have formed a county of his own so that he can control it. He is a crook and was illegally elected to the Senate. There are now four indictments in B—— County against him. This bill should be defeated because he is a crook.

34. Germany is said to be willing to admit, in final settlement of the *Lusitania* case, that neutrals aboard belligerent ships have a right to protection and safety, but unwilling to admit that the sinking of the *Lusitania* was illegal. Since the passengers aboard the *Lusitania* were given no warning, and therefore no chance to save their lives, the doctrine which Germany is said to be willing to subscribe to condemns by necessary implication the manner in which the *Lusitania* was sunk. If passengers are entitled to the protection and safety thus acknowledged, then the *Lusitania* was sunk in an illegal manner; whereas, *per contra*, if the manner of the sinking of the *Lusitania* was not illegal, then passengers have no claim to the rights which Germany is said to be ready to acknowledge. Apparently, the only remaining issue between Secretary Lansing and Count von Bernstorff is a question whether Germany is to make an express or implied acknowledgment of wrongdoing in sinking the *Lusitania*.—(*Dallas News*.)

35. Give an example from your own experience where vague authorities have been cited as direct evidence.

36. In the proposition, "Law is the uniform action of energy," what is the meaning of the word "law"?

37. Select from magazines or newspapers an example of each of the fallacies discussed in this chapter.

## VII

### THE BRIEF

**PURPOSE.**—Some kind of an outline is indispensable to the presentation of the argument in full. In the first place, an outline is necessary for getting an orderly arrangement of the proof. Ideas are not ordinarily to be presented in the same order in which they were obtained. There must be such a rearrangement and classification of the material that the whole course of the discussion is covered in orderly progression from the starting-point to the end desired; and an outline may be said to furnish a map of the territory to be traversed. Secondly, such orderly classification is necessary in order to impress the plan of the whole argument upon one's mind. No ordinary person can carry in his memory a complete outline of an argument without first reducing it to writing. Further, when the time comes for presenting the proof in final form, whether it be first written out or whether spoken directly from the outline, the author's mind should be left free for the elaboration of his argument, step by step, the framework having been completed in advance. Especially is this the case in extemporaneous debating; for any one can



learn to speak extempore if he knows in advance the order and substance of what he wishes to say. Finally, an outline is necessary in order to make the argument clear to others. Especially in debate, the foundation and framework in the structure of the speaker's argument must be made clear to the hearers. They must in some way be made to see the structure—by means of an occasional "first," "secondly," and "thirdly," or other means of identification; and the speaker cannot well make the structure apparent to his audience unless he has previously made an outline for himself.

*Different Kinds of Outlines.*—There are all sorts of outlines, from the exceedingly meager and fragmentary form, consisting in mere head-lines or catch-words, to an elaborate statement covering all material points. The first type may be illustrated by the following brief prepared by Lincoln for his argument in a case to recover for the widow of a Revolutionary soldier two hundred dollars which had been retained by the defendant out of four hundred dollars awarded the widow as pension money:

No contract—Not professional services—Unreasonable charge—Money retained by Def't not given to Pl'ff—Revolutionary War—Describe Valley Forge privations—Pl'ff's husband—Soldier leaving home for army—*Skin Def't*—Close.<sup>1</sup>

This outline served Lincoln's purpose, no doubt, but it would be almost useless to any one except

<sup>1</sup> Lewis, *Specimens of the Forms of Discourse*, p. 233.

the writer, and it is altogether too meager for a comprehensive and closely related argument. The type of the other extreme—the full outline—is found in the ordinary legal brief. A brief, in law, “is a document, prepared by counsel as a basis for oral argument of a cause in an appellate court, containing a statement of the manner in which the questions in controversy upon the appeal arise; of the facts of the case so far as they relate to these questions; a specification on the part of the plaintiff in error or appellant of the errors alleged to have been committed by the court below, upon which reversal is asked for; and a brief of the argument, consisting of the propositions of law or fact to be maintained, the reasons upon which they are based, and citation of authorities in their support.”<sup>1</sup> A brief in debate has all the essential features comprehended in this definition, but it need not contain quite so full and detailed statements as a brief in law since a debate-brief always presupposes a subsequent expansion, either written or oral, while a legal brief often takes the place, by agreement of counsel, of any oral argument. On the other hand, an outline consisting of mere head-lines is insufficient. With a view of criticism by the teacher, the student’s brief, it should be remembered, is to inform a *reader*, as well as the writer, of the author’s analysis of the question and of all the proof upon which he relies. It is a composition in itself, containing all that

<sup>1</sup> Abbott, *Brief-making and the Use of Law-Books*, p. 5.

part of the complete argument which is essential for a successful appeal to the intellect, and lacks only complete rhetorical form and the element of persuasion.

A brief in debate, then, is a condensed written argument, covering every essential step in the proof, and so arranged that the leading and the supporting arguments are clearly indicated.

#### GENERAL CHARACTERISTICS OF A GOOD BRIEF

The main features of a good brief are (1) Clearness, (2) Coherence, and (3) Unity.

1. *Clearness*.—However desirable perfect clearness may be in other forms of composition, in argumentation it is absolutely indispensable. Remembering always that the brief is the outline-plan for the subsequent complete argument, it is essential that it be so constructed that the reader—and hence later the hearer—may readily follow you. And yet the average beginner in brief-writing constantly disregards, in actual practice, this fundamental principle.

The first requisite of clearness is, of course, clear thought on the part of the writer. If your own thoughts are muddy, you can hardly expect them to be clear in the brief. You must have an unobstructed view of the whole course of the argument, from the beginning to the end of the proof. But more than this, particular care must be exercised in the phrasing in order to make the brief clear to a reader and to the average hearer. We

say to the *average* hearer, because after a student has made special study of a question, many points that are very apparent to his own mind might not appear so clear to one who has made no special study of the subject. In the phrasing of your proof, then, avoid complex statements and aim for simplicity, directness, and conciseness.

2. *Coherence*.—Not only must an argument be clear, as to the whole and as to all its parts, but the whole must hang together and the parts adhere to the whole and to one another: the argument must be coherent. The two principal elements of coherence are *subordination* and *sequence*. We have seen that any question for debate will resolve itself into certain issues that need chiefly to be proved in order to prove the proposition; and that other subordinate issues, with all the evidence in the case, merely go to support these main issues. Coherency requires that these main issues be emphasized in the argument, and that related issues be subordinated—that is, that in the welding together—the cohering—of the whole argument the evidentiary and supporting material be grouped about the main issues.

By sequence, as an element of coherency, is meant that all steps in the proof naturally and logically lead to and follow one another. This applies to the main divisions of the whole argument and to the proof that supports each main division. In the development of the proof care should be exercised to avoid arbitrary and abrupt changes; the transitions from one part of the

proof to another should be smooth and natural. It is a problem in classification and arrangement, which we shall have occasion to discuss further in connection with other phases of brief-writing.

3. *Unity*.—Lastly, a brief should conform to the law of unity. In the first place, analogous to the rhetorical law of the paragraph, each main division of the argument should make a single impression upon the mind of the reader—to-wit, the proof of the issue which is the subject of that division; and then, all these main divisions should in turn produce but a single impression—to-wit, the proof of the main proposition. Here again due emphasis will aid materially in the attainment of unity; and the proper co-ordination of the proof material, later discussed, will serve as a check against the scattering effect of many arguments.

#### THE MAIN DIVISIONS OF A BRIEF

Whatever may be the absolute requirements in other kinds of composition, a brief in debate must always include the threefold division of an introduction, the proof or argument proper, and a conclusion. Inasmuch as the brief is to include every essential feature of the complete argument, it would be difficult to conceive of any question the argument of which would be complete if any of these three divisions were omitted. Any question for debate will require some introductory explanation and exposition and some indication of the proof required, before entering upon the argument

proper. The argument, or proof, is of course necessary. And the cumulative force of the proof is lost without a conclusion to reinforce and bind the whole together. Let us now consider these three main divisions of a brief in some detail, all the time bearing in mind that the brief is to be the foundation for the subsequent written or oral argument.

*The Introduction.*—The function of the introduction is to prepare the minds of the audience for the subsequent argument by presenting all facts and explanations necessary for understanding the question, pointing out the issues in the discussion, and outlining the proof as to those issues. An introduction will vary in length and explanatory details, of course, according to the nature of the question. It should include, in addition to a statement of the proposition, a bibliography, and an outline of the proof, the results of the preliminary analysis of the question. For the purpose of an orderly and uniform mode of procedure, and also as a guard against superficial work, let the student write out his introduction by following these steps:

1. *Statement of the Question.*—For the benefit of the critic, indicate at the outset whether you have the affirmative or negative.

2. *Bibliography.*—State (a) the books or general treatises, and (b) the periodicals and special articles you have actually consulted, with specific reference to title, author, volume, and page. The purpose of this is, first, for future reference, and secondly, to inform the critic just what readin,

has been done in the investigation of the question; thereby further references can often be suggested. It is to be understood that the bibliography at this point is not to take the place of specific references to authorities in the body of the brief, whenever the citation of authority is needed to substantiate any particular statement.

3. *Origin and History of the Question.*—This should consist of a statement showing why the question is being discussed at this time, and a brief historical sketch that will serve as a background for your argument. But this introductory statement should be non-argumentative—merely a plain statement of facts that either side can use as introductory to the subsequent argument.

4. *Definition of the Question.*—Words and phrases that are not absolutely clear to the audience should be defined and explained; but do not define perfectly obvious terms. Then, when necessary, define the question as a whole.

5. *Irrelevant Matter.*—State briefly what is not properly included in the discussion of this question, and hence will be considered irrelevant.

6. *Admitted Matter.*—This step requires an answer to the question, What matters connected with the proposition can both sides properly and profitably admit?

7. *Contentions of Both Sides.*—Contrast the contentions of the affirmative side with those of the negative. Such statement will reveal the “clash of opinion” from which may be deduced the main issues.

8. *The Issues*.—As a result of the preceding steps in analysis, what are the main issues which, if proved, will decide the question? In other words, what are the main points you intend proving in this discussion? These points should be stated as the main headings in the proof, or argument proper.

In many questions little or no attention will be needed to some of the foregoing points. When the question is an unusual or intricate one, all the preceding headings will need to be carefully considered and filled out. If, however, the question relates to some topic of current discussion, the origin and history of the question may be known to all. But in many questions of the day a preliminary statement of the facts in the case is necessary in order to get the bearings for one's proof. For instance, take the much-discussed question of the Adamson law, creating an eight-hour working-day for trainmen. This would require an exposition which seeks to justify the eight-hour working-day, and a narration of the events leading up to the present agitation. Again, the terms in the question may be plainly self-defining, and there may be no special points for designation as irrelevant or admitted matter. All such questions the student will need to ask himself as he takes up *seriatim* the points to be considered in the introduction.

One other point as to the introduction: it should be wholly non-partisan. Aside from such favorable impression of your side as may be created from



the analysis of the question, reserve all argument until you come to the argument proper. Otherwise you overstep, in the first place, the bounds of an introduction, and furthermore, you are much more apt to prejudice your case than to help it. Aristotle says, "Argumentation has but two essential parts—the statement of the case and the proof." The statement of the case is exposition, and the more purely expository it is the stronger will be its effect. The very purpose of an argument—conviction—assumes that there are minds to be convinced; and a partisan and prejudicial introduction only defeats its own object.

The writings and speeches of masters in debate will show their appreciation of the necessity of keeping an introduction free from all signs of prejudice and unfairness.

*Proof.*—Some authors call this division the "Argument," or "Brief Proper." The term "Proof" is here used to include argument and evidence, being consistent with its use through the text. Two matters claim our attention—the *order* and the *form* of presentation.

*Order of the Proof.*—The order in which arguments are to be presented is a very important matter, and yet to lay down detailed rules therefor would be extremely dangerous. Much must depend upon the nature of the question and the character and temper of the audience. Ordinarily, an argument should open with direct proof rather than with refutation; this to avoid emphasizing the idea of your being on the defensive. First

make out at least a *prima facie* case by constructive argument. A speaker on the negative may, of course, need to refute a strong argument against him at the very beginning, but it is often quite as well, by brief reference, to postpone it to its natural place in connection with the presentation of the constructive argument. The direct proof first presented should be strong and cogent for the audience addressed—sometimes, it may be, even startling. Generally, the argument of antecedent probability should come first, for this is, as we have seen, essentially preparatory in its nature. Having made out a *probable* case, the minds of the hearers are then prepared to receive the more positive proof. Again, it is a psychological law that the opening and closing of any speech, or divisions of a speech, are the strongest places—the places of greatest emphasis. The first and final impressions are the most lasting. Acting on this principle, the successful trial lawyer makes much of the opening of his case—the preliminary statements of facts to the jury. It is better, then, as a general rule, to have the relatively weaker arguments in the middle, buttressed by the stronger on either side. And whenever you know there is a strong argument that is bound to be presented against you, it is well to follow up the opening by a refutation of such argument; that is, do not leave palpably strong arguments against you to be dealt with, in the first instance, by your opponent.

Further than the foregoing general suggestions,

little can be said of any real value as to the best ordering of proof. The particular question must always determine that, and an ounce of brief-writing will be worth pounds of theory. However, the following general types of outlines of different classes of questions may be suggestive as to ways of setting about the preparation of an argument:

1. *A Question of Fact.*—A is guilty of murder. I. It is antecedently probable that he committed the act, for he had a motive for so doing. II. He is shown to be guilty by (A) direct testimony, and (B) facts which are the *effects* of his act, and which cannot be otherwise explained. III. This act the law makes a murder. A. Moral reasons why it should. B. The statutes make it such, for (1) they make  $x$  a crime, and this act is  $x$ ; and (2) authorities sustain this contention.

2. *A Question of Policy.*—I. The proposed plan should be adopted. A. It is antecedently reasonable that a reform is urgent. B. The proposed plan is expedient, for  $x$ ,  $y$ , and  $z$  are needed, and it will supply these needs. C. It has worked well elsewhere, and will work well in the present case, wherein the conditions are similar. D. There is no better plan.

*Form.*—By way of preface, it is to be borne in mind that everything of probative value for the finished argument is to be included in the brief, and only incidental illustrations, amplifying sentences, and purely persuasive material are to be omitted. In a brief, as in argument generally,

there should be *no assertion without proof*. In adopting any scheme for the statement of the proof, it is to be remembered, again, that the brief is for a *reader* as well as for the writer, and that any one of various methods might be adopted, so that, for the practical purposes of class work, a *uniform* method be used. Further, it is a good training in habits of method and orderliness generally if the student is required to follow rigidly some one plan of arrangement in briefing his argument. To these ends, the following method is recommended.

Arrange the proof in two parallel columns, respectively designated "Arguments" and "Evidence." Next, divide your arguments into a number of main propositions. Then pick out the statements that support each of these main propositions; then the arguments that support these statements—and so on down to the smallest necessary detail of evidence. The main propositions should read as reasons for the proposition which is the subject for debate, and subheadings and sub-subheadings in each group should read as reasons for the heading next above them. The subheadings should be arranged, of course, in the order of climax—the strongest argument last—unless this arrangement violates the logical order. Again, every heading in the argument should be a complete sentence. This will conduce to clearness. A word or phrase conveys no specific idea to a reader, or, in any event, it might convey a meaning foreign to the writer's intention. Moreover, a complete sentence

is far more apt to make the argument clear to the writer himself. A sentence usually means something, "and it usually means approximately what the writer has in mind." And almost always it should be a simple sentence. Compound and complex sentences are to be avoided. At any rate, each heading should state but a single argument; a strict adherence to this rule will avoid confusion and a lack of co-ordination in the proof. As a further aid to clearness and coherency, indent all subheadings in a uniform manner about an inch to the right of the heading next above them, and use a uniform system of denotation of the headings; as (a) Roman numerals, (b) capital letters, (c) Arabic numerals, (d) initial small letters, then (1), (a), etc. And further, make the connection clear between any proposition and the statements which support it by appropriate conjunctions—"for," "because," etc.

In the column headed "Evidence" and parallel to the arguments in the first column, write the evidence, the facts, which support your arguments presented in the argument column. Here should come all your data, or at least the most essential evidence that you can secure: statistics, facts, quotations—all that the debater desires to submit to prove his inferences. The first column stands or falls by the data tabulated in the second column. The sources of all evidence, with the specific references, should be given in each case.

One advantage of this plan is that the second column relieves the ordinary brief of a mass of

material usually jumbled together in such a manner that it is of little service to the debater. Secondly, it acts as a classified storehouse of material for the speaker when he writes his debate, or when he prepares it extempore. Thirdly, it presents an objective and conspicuous array of data to show that the arguments are not mere fancies, but are supported by facts or other convincing material. It is a great preventer of the "I think" kind of debating. When the student begins briefing on this plan the evidence column will appear as though a cyclone had passed down the column, leaving a few scattered facts in its wake; but after a little experience the student soon learns to support his arguments with data that definitely substantiate his contentions.

*The Conclusion.*—The function of the conclusion, so far as the brief is concerned, is to state concisely the steps by which the decision is reached. It should contain no new proof, but simply a brief summary of the argument. Ordinarily, it need recapitulate no further than the main propositions and the first series of supporting propositions—the I, II, III . . . and A, B, C . . . headings.

Finally, it should be understood that a debate or a forensic need not necessarily include all the detailed facts and arguments that are contained in a good brief; that the brief is but the framework on which to build the discourse; that some of this framework is only scaffolding which was not intended to be incorporated into the finished structure; and that many details not in the brief

will be necessary in the completed forensic or speech in order to make it convincing and persuasive.

#### RULES FOR BRIEF-WRITING

1. A brief, being a condensed written argument, should cover every material point in proving the proposition.

2. The brief should be divided into three main parts, Introduction, Proof, and Conclusion.

3. The Introduction to a brief should include a clear exposition of the preliminary analysis of the question, with no argument.

4. The Proof should be divided into two parts, Arguments and Evidence.

5. The Argument, or Proof, should show the chain of reasoning by stating the proof in a series of propositions, with appropriate subheadings and connectives.

6. Each heading should be in the form of a complete sentence.

7. Each heading should contain but a single argument.

8. Main headings must read as reasons for the Conclusion.

9. Subheadings must read as reasons for the heading under which they are grouped.

10. Indicate correlations in the following order: (1) Roman numerals, (2) capital letters, (3) Arabic numerals, (4) initial small letters, (5) (1), (2), (3) . . . (6) (a), (b), (c) . . .

11. The correlations should be regularly indented.

12. Connect each proposition with subordinate headings by proper connectives — “because,” “since,” “for,” etc.

13. The “Evidence” column should be filled with facts that directly support the argument, with statement of source.

14. The Conclusion should contain a brief summary of the whole argument.

### SPECIMEN BRIEF

(The following brief is submitted as a “specimen,” not as a model. The bibliography is by no means exhaustive, not all possible lines of arguments are included, and many details of evidence and proof bearing on the enumerated arguments are omitted. The brief is intended primarily to furnish a model as to form of arrangement.)

*Question.*—Resolved, that the several States should establish a schedule of minimum wages for unskilled laborers, constitutionality conceded.

*Bibliography.*—*The Standard of Living in the United States*, by Frank Streightoff. *Wages in the United States*, by Scott Nearing. *A Living Wage*, by John A. Ryan. *Organized Labor*, by John Mitchell. *Standard of Living Among Workmen's Families in New York City*, by R. C. Chapin. *Encyclopedia of Social Reform*, by W. D. P. Bliss. *Industrial Democracy*, by Sidney Webb. *Report to the British Parliament*, by Ernest Aves. *Statistics and Economics*, by Mayo-Smith. *Labor in Australia*, by Victor S. Clark.

*American Economic Review*, 14: 188-201. *American Journal of Sociology*, 17: 303-314. *Atlantic Monthly*,



112: 289-297; 41: 533-539. *Forum*, 28: 542-553; 49: 576-584. *Independent*, 70: 806-807; 74: 851; 75: 459-460. *Living Age*, 273: 370-372, 451-461. *Nation*, 96: 274; 350-351. *Nineteenth Century*, 64: 507-524; 72: 264-274; 73: 644-658. *Outlook*, 73: 721-725; 88: 314-317; 98: 448-453; 102: 159-160; 103: 52-54, 705-707. *American Review of Reviews*, 45: 442; 47: 216-217; 48: 84-90. *Survey*, 23: 577-578; 24: 810-820; 25: 789-792, 815-816; 26: 32-33; 27: 1623-1624; 28: 10-11, 313-314, 454-455; 29: 74-76, 552-555, 653-654; 30: 4-5, 9-10. *United States Bureau of Labor Bulletin*. No. 10: 60-78; 20: 86-87. *Westminster Review*, 145: 297-300; 152: 628-640; 154: 398-412; 172: 623-631.

## INTRODUCTION

1. *Origin and History of the Question.*—This question has recently been embodied in bills introduced into nearly every State legislature. The ratio between what the unskilled worker produces and what he receives, and this, in turn, to the cost of living, is being discussed in every section of our country. This question is directly related to the national, social, and economic unrest, and its proper solution will affect the welfare of our twenty millions of unskilled workmen. It is not a new question, since history shows that a minimum wage was established in ancient Babylon. It was introduced into Spain under the reign of King Philip, applying to minors only. In modern times, the first minimum-wage law was established in Belgium in 1887. New Zealand followed in 1895, and

Australia the next year. In 1910 England placed a minimum-wage law on four industries, and has since extended it to six more. Austria, France, and Germany have recently seriously considered the enactment of such a law. In the United States, Massachusetts and Nebraska each adopted a wage law in 1912; Wisconsin, Minnesota, Utah, Oregon, Washington, California, and Colorado enacted such a law in 1913; and Arkansas in 1915.

2. *Definition*.—"Several States" denotes each State separately. "Schedule" means different rates for different industries and different conditions of employment. "Minimum wage" is a wage below which an employer may not pay his workmen. An "unskilled laborer" is a man, woman, or child whose employment requires no special previous preparation or apprenticeship.

3. *Irrelevant Matter*.—(1) For the purpose of this debate it is immaterial as to what method a State may employ in establishing and enforcing a minimum-wage schedule.

(2) The number of industries involved in each State is not essential to this discussion.

4. *Admitted Matter*.—Both sides admit:

(1) The welfare of our industrial classes is of vital importance to the future of our nation.

(2) Any considerable increase in the nation's unemployed would present another grave economic problem.

(3) "Sweated" industries and "parasitic" trades should be abolished.

- (4) The State has a right to prescribe a minimum wage.

5. *Contested Matter*.—The following questions raise special issues whereon there is a clash of opinion between the affirmative and the negative:

- (1) Will a minimum-wage law materially increase the number of unemployed?
- (2) Will a minimum wage materially increase the cost of production?
- (3) Will the minimum tend to become the maximum wage?
- (4) Do unskilled workmen earn more than they receive?
- (5) Does not the law of supply and demand regulate wages?
- (6) Will a nominal wage increase be a total increase in wages paid?
- (7) Will the average workman raise his standard of living when given a higher wage?
- (8) Will a minimum wage not over-stimulate immigration?
- (9) Will a minimum-wage law drive industry from the State?
- (10) Does experience with the minimum-wage system justify its adoption by the several States?

6. *Main Issues*.—The main issues that the Affirmative will attempt to prove are:

- I. The present wage situation has in it certain evils which should be remedied.
- II. A minimum-wage law is an adequate and desirable remedy for these evils.

### III. A minimum-wage law is practicable in operation.

#### PROOF

#### ARGUMENTS

I. The present wage situation has in it certain evils which should be remedied, for,

A. A majority of the unskilled laborers in the United States are receiving less than a living wage.

B. This is not due to the nation's unproductiveness, for,

1. Per-capita wealth is increasing.

2. The distribution is unjust, for,

a. The ratio between the rich and the poor is increasing.

b. The laborer is not receiving what he earns.

#### EVIDENCE

Doctor Chapin estimates a living wage to be \$650. (*Standard of Living*, p. 166.)

Anything less than \$600 a year is not a living wage. (Ryan, *A Living Wage*, p. 150.)

Six hundred dollars is the least a family can live on. (Mitchell, *Organized Labor*, p. 118.)

Ninety-two thousand men in the United States receive less than \$3 weekly; 338,000 less than \$5 weekly; 1,116,000 less than \$8 weekly; 2,000,000 less than \$10 weekly; 3,000,000 less than \$12 weekly. (Streightoff, *The Standard of Living in the United States*, p. 65.)

The average of all unskilled laborers in the United States is \$550. The average for men is \$600; for women, \$350; for minors, \$200. (Nearing, *Wages in the United States*, p. 142.)

Nation's wealth: In 1850 it was \$7,000,000,000; in 1890, \$65,000,000,000, and in 1915, \$150,000,000,000. (*World Almanac for 1915*, p. 308.)

Per-capita wealth: In 1850 it was \$130; in 1900, \$820; in 1915, \$1,500.

The laborer receives only 20 per cent. of the value of the products he creates. (*United States Census, 1910*, Vol. VII, p. 31.)

## ARGUMENTS

C. The laborer is being exploited, for,

i. He lacks adequate bargaining power, for,

a. He has no reserve power, for,

(1) He lives from hand to mouth.

b. The employer has reserve power, for,

(1) He is not immediately dependent upon the employee.

c. The laborer is obliged to work for whatever the employer offers.

d. There is undercutting by the workers themselves.

e. The worker lacks knowledge of industrial conditions.

f. He is too poor and ignorant to organize.

D. Society needs protection, for,

i. Public interests are injured by labor disputes and resulting strikes.

2. Society loses through inefficient workmen.

II. A minimum-wage law would remedy these evils, for,

A. It is sound in principle, for,

i. The principle of minimums is generally recognized.

## EVIDENCE

One-eighth of the families in the United States hold seven-eighths of the nation's wealth; and 1 per cent. of the families hold more than the remaining 99 per cent. (Spahr, *Distribution of Wealth in the United States*, p. 69.)

The sweated workers cannot organize because they are so poor, so ignorant and so weak. (Hobson, *Problems of Poverty*, p. 227.)

Between the years 1855 and 1895 there were 25,500 strikes in the United States. Sixty per cent. of these strikes were caused by disputes over the question of inadequate wages. (Saidler, *Boycotts and the Labor Struggle*, p. 90.)

Many States have a minimum wage in their child-labor laws. We have a minimum age for compulsory school attendance. The number of hours of employment per week has been limited in many States.

## ARGUMENTS

2. Wages are determined by the relative bargaining power.

3. The State should give its citizens an opportunity to earn a living, rather than to feed them in almshouses, penitentiaries, etc.

4. It is the only remedy that strikes directly at the root of poverty.

B. It would benefit the laborer, for,

1. It would prevent exploitation, for,

a. It would compel the employer to pay a living wage.

b. It would make freedom of contract an actuality.

2. It would increase his efficiency, for,

a. Every laborer would be stimulated to his best effort to retain his position.

b. It would give him greater power of endurance.

## EVIDENCE

Unorganized employees in the Union Stock Yards in Chicago received 15 cents per hour. A union was formed and the wage was raised to 17 cents. When the union was destroyed the wage fell to 15 cents again. Girls in the Walk Over Shoe Co. received \$7 per week. After organizing they received \$9. St. Paul, Minnesota, teamsters are unorganized and receive \$2.25 per day; in Minneapolis they are organized and receive \$2.75 per day.

The minimum wage is a plan for making more effective the related measures of social reform. It is the only remedy which strikes directly at the root of the evil. (Segar, H. R., in *Annals of American Academy*, Vol. XL., p. 11.)

The National Cash Register Co., of Dayton, Ohio, states that by adding three cents' worth of food to the luncheon of each of its employees, their efficiency was increased five cents' worth in actual work.

The better-fed, better-housed, healthier, and longer-lived workman is more efficient as labor-force than the physically weak and half starved. (Mayo-Smith, *Statistics and Economics*, p. 56.)

## ARGUMENTS

3. It would not set a maximum wage, for,
  - a. Superior workmen would be in demand the same as now.
  - b. Experience verifies this condition.
- C. It would benefit the honest employer, for,
  1. It would protect him from underhand competition.
  2. It would give him a more efficient labor force.
3. Employers admit the advantages to them of a minimum-wage law.
- D. It would benefit the public, for,
  1. It would insure industrial peace.
    - a. By preventing strikes and lockouts.
    - b. By diminishing the incentive for crime and vice.
  2. It would increase the laborers' standard of living, for,
    - a. Poverty would be diminished.
    - b. The next generation would have an opportunity to become educated.
    - c. Real homes would be established.
  3. It would not increase prices, for,

## EVIDENCE

In Auckland and New Zealand 61 per cent. of the workmen receive more than the minimum fixed by law. (LeRessignal, in *Quar. Jour. of Economics*, p. 708.)

Of the 12,000 women wage-earners coming under the provisions of this law, we have not been able to find one woman or girl who was drawing \$7.50 per week at the time the law went into effect, whose wages have been decreased. . . . Ninety per cent. of the employers in Utah are satisfied with the law. (Hines, H. T., *Report of the Utah Minimum-wage Law*, pp. 13-14.)

Propertied interests were not opposed to a statutory minimum-wage law. . . . The better employers rather courted some provision that freed them from competition of the less scrupulous of their own class. (Clark, *Labor in Australia*, pp. 141-147.)

These people have not failed to raise their standard of living with sufficient promptness whenever their remuneration has been increased. (John A. Ryan, Personal Letter to the Editor, January 7, 1915.)

It apparently has not increased the cost of production. (Sidney Webb, *Outlook*, Vol. CIII., p. 52.)

## ARGUMENTS

a. The increase in wages would come out of:

(1) Present monopoly profits.

(2) Present excess profits of unscrupulous employers.

(3) Increased managerial ability.

b. Experience verifies this contention.

## EVIDENCE

There is little testimony that there is any increase in the cost of production or selling price; in fact, there is much testimony to the contrary. (*Aves, Report to the British Parliament*, p. 71.)

The International Harvester Co. declares an annual dividend of  $12\frac{1}{2}$  per cent. Sears, Roebuck & Co. makes 16 on their investment. (Report of the Federal Investigating Committee.)

All manufacturers receive a net profit of  $12\frac{1}{2}$  per cent. on the money invested. (*United States Census*, Vol. VII., p. 31.)

III. A minimum-wage law is practicable in operation, for,

A. It has been successful in:

1. Australia for twenty years.

2. England for five years.

3. The ten American States where it has been tried.

In England the cost of production in the coal business was reduced 30 per cent. through increased efficiency. (J. A. Ryan, *Survey*, Vol. XXVIII., p. 10.)

The people of Australia refused to annul the law. They have re-enacted it five times, extending it to scores of industries. Not a single employer or employee desires to give it up. (*Aves, Report to the British Parliament*.)

The measure is a success in Australia and New Zealand beyond expectation. (Clark, *Bureau of Labor Bulletin*, Vol. XLIX., p. 1255.)

B. It would not cause an increase of unemployed, for,

1. An increase of wages would result in an increased demand for products.

Wages have increased and trade has thrived under it. (J. J. Mallon, in *The New Statesman*, February, 1910, p. 10.)



## ARGUMENTS

2. Men would largely replace women and children.
3. Experience has shown that little unemployment has resulted from a minimum-wage law.

## EVIDENCE

The average man at \$12 a week is more valuable to an employer than is a woman at \$9, or even \$7. For this reason men would take the place of women at the higher proposed wage. (Henry Siegel, *Outlook*, Vol. CIII., p. 706.)

There is little evidence that irregularity or uncertainty of employment is affected by the minimum wage. (Aves, *Report to the British Parliament*, p. 476.)

## CONCLUSION

I. Since the present wage situation in the United States shows that a majority of our unskilled laborers are receiving less than a living wage, that this is not due to the nation's unproductiveness, that the laborer is being exploited, and that society needs protection from the present situation;

II. Since a minimum-wage law would remedy these evils because it is sound in principle and because it would benefit the laborer, the employer, and the public;

III. Since a minimum-wage law is practicable in operation, as shown by the experience of Australia, New Zealand, England, and of ten American States;

Therefore, the several States should establish a schedule of minimum wages for unskilled laborers.

## EXERCISES

1. Select one or more speeches by masters in debate—such as Burke, Webster, Lincoln—and let the student cast them into the form of a brief. (A skeleton brief of Burke's speech on "Conciliation with the American Colonies" will be found in *Masterpieces of Modern Oratory*, pages 340-342, and a more detailed outline is given in Denney's edition of the same speech, pages 133-137.)

2. Let the students criticize—and rewrite, it may be, outside of class—the following bits of brief-writing, taken from students' briefs:

(a) *Proposition*.—Resolved, that secret societies in public schools should be prohibited.

*Bibliography*.—Report of the University of Chicago, 1904-05; National Education Association; Report of Portland (Maine) School Board; Biannual Report of Public Instruction (Indiana), 1908.

*History*.—High school fraternities sprang up about twenty years ago, and were patterned after college fraternities. As they increased in number, opposition arose, and in 1904 President Harper of the University of Chicago set on foot a movement against them. A number of States have legislated them from the high schools of their State.

*Definition of Terms*.—"Secret societies" mean national Greek-letter societies, including those for boys and those for girls. They include such societies as are patterned after the Greek-letter fraternities and sororities of the college. "Prohibited" means that they shall be entirely suppressed by those in authority.

*Irrelevant Matter*.—Societies under faculty control are not to be included in this discussion.

*Admitted Matter*.—In this debate both sides agree that they are patterned directly after the college societies.

*Issues*.—(1) Do secret societies have immoral tendencies? (2) Do they promote scholarship? (3) ?

evils they contain can only be checked by abolition. (4) Do school authorities have a legal right to interfere with societies of this kind? (5) They are undemocratic. (6) These societies should be regulated by the school authorities.

- (b) Resolved, that military training should be given in the American high schools.

*Bibliography.*—*Century*, XLVII, 468-469; XLVIII, 318-319. *Education*, XV, 398-406; XXX, 92-97. *Independent*, LXXXI, 36; LXXIV, 345-347. *Review of Reviews*, 49:34-36; *Everybody's*, 32:179-83; *Nation*, 60: 270

*Origin and History.*—The Morrill Act of 1862 provided military training in colleges and universities. Fifty-two land grant colleges have taken advantage of this Act, and in addition sixteen colored schools. During the recent discussion of national defense much attention has been given to this question.

*Definition of Terms.*—By "military training" is meant the study of military tactics and suitable military drill.

*Irrelevant Matter.*—(1) Secondary private schools are not involved in this question. (2) Whether or not it should be a substitute for the athletic training now in vogue.

*Admitted Matter.*—(1) The quality and amount of this training are not to be discussed. (2) That it be elective or compulsory.

*Issues.*—(1) Military training has definite educational value. (2) It increases the attendance. (3) It stimulates patriotism. (4) More trained men are needed for our army. (5) The plan is practical.

- (c) *Proposition:* Resolved, that the United States should own and operate her railroads.

*Bibliography.*—*The World Almanac and Encyclopedia for 1915*. *The American Year-Book for 1915*. *Independent*, LXXX, 442. *Saturday Evening Post*, June 6, 1914. *Atlantic Monthly*, February, 1915.

1. *Origin and History of the Question.*—Railroads are owned by the government in nearly every country in the world. The United States began building a line in Alaska a year ago. This question is being discussed periodically by many of our greatest men.

2. *Definition of Terms.*—(None necessary.)

3. *Irrelevant Matter.*—Both sides desire the greatest efficiency with the least loss of life. The time or the manner of the Government securing control is not a matter of contention.

4. *Admitted Matter.*—(1) There are evils in our present system of railroad management which need amelioration. (2) That railroads contain a great deal of watered stock. (3) That the passenger rates on railroads owned and operated by governments in other countries are cheaper than those in the United States. (4) More accidents occur on the railroads in the United States than in foreign countries.

5. *Issues.*—(1) Are there sufficient evils in the present system so that a change is desirable? (2) Would these evils be remedied, granting that they exist, by government control? (3) Would government ownership lower the rates or make the service more efficient? (4) Is it practicable? (5) Is the experience of foreign nations favorable to it?

## VIII

### PERSUASION

SO far we have been considering chiefly that part of debating which has to do with the reasoning processes, which is directed primarily to the mind, and results in *conviction*. But an argument which appeals only to the understanding may be barren of results. The cold logic of Brutus was easily overcome by the persuasive appeals of Antony. For the hearer to accept your reasoning is one thing, but for him to cast aside his prejudices and inertia is another thing. You want him to accept your argument in fact as well as in theory; in other words, to *act* upon it, be the action expressed in the verdict of a jury, by a vote in a deliberative body, or by any other line of conduct. It would take little argument, for instance, to convince the ordinary citizen that he should exercise his right of suffrage; but something more might be needed to impel him to go to the polls on a particular election day. That part of debating which wins the disposition of the hearers, directs motives, arouses emotions, and touches the springs

of action is called *persuasion*. The importance of persuasion in debate cannot be overestimated, for it is the climax of all argument proper. "Is it not," says Emerson, "the end of eloquence, to alter in a pair of hours, perhaps in a half-hour's discourse, the convictions and habits of years?" And yet, unlike the processes of pure conviction, the sources of persuasion are too ill defined and elusive for any systematic treatment. All reasonable men reason substantially alike. But men act from different motives; and in the use of persuasion in debate much must depend upon the individual debater's tact in appreciating the particular motives that appertain to a particular audience.

Generally considered, persuasion has its source in these three elements: (1) In appeals to the emotions, growing out of the argument proper; (2) in the rhetorical qualities of spoken discourse—*how* a thing is said; and (3) in the delivery—the earnestness and personality of the speaker.

#### APPEALS TO THE EMOTIONS

All the elements named may contribute, of course, in appealing to the emotions, but reference is now made to those appeals which *grow out of the argument proper*. For any lasting effect, appeals to the feelings should first be founded on reason. Otherwise, such appeals are merely transitory—they cease as soon as the emotions aroused are spent. Further, unless conviction either precedes or accompanies an emotional appeal, the lat-

ter is usually ineffective. Such is the case, at least, with an audience of even ordinary intelligence, for mere emotionalism becomes less and less potent as civilization advances. To move men, you must show them some reason for their being aroused. This fact is frequently overlooked in student debating. Many so-called arguments are little more than a collation of popular phrases gleaned from partisan newspapers. Thus, a trust is an "octopus," the Standard Oil Company "a grinding monopoly," a "robber tariff" is inflicting untold injuries on the "suffering masses," and so on, when perhaps the very question for debate requires evidence to establish the truth of these question-begging phrases. Appeal to feeling should follow evidence, not replace it; first show the facts which make out a case for appeal. Knowledge, feeling, volition, action: this is the normal order for the normal individual. Certain exigencies in debate may needs change this order, but the general rule is that "emotion is conditional on apprehension, volition on emotion, action on volition."

*Adaptation of Appeal to Audience.*—Any appeal to the emotions, to be successful, must, of course, reach the particular audience addressed. It must result in action on the part of the hearers, be the action merely mental or also physical. In any case the action desired must be so presented to the hearers as to coincide with their desires and interests; and this is accomplished through certain intermediate active principles called *motives*. Various attempts have been made to classify motives;

as, (1) Duty to ourselves—pride, prudence, self-respect, reputation, integrity, social and political ambition, etc.; (2) duty to others—tolerance, charitableness, love of one's family, city, State, or country, admiration of courage, perseverance, nobleness, etc.; (3) duty to God, which comprises the highest and worthiest impulses. All these are possible incentives to action, but the classification is far from complete. It leaves out of consideration the lower scale of motives—such as selfishness, avarice, anger, revenge, jealousy, fear, hatred—and the enumeration of the more worthy motives could be extended almost indefinitely. Men are moved by a great variety of causes. What will move one audience may fail to move another. What seems very important to one man will appear of little or no importance to another. A speaker needs to study his audience both collectively and individually: collectively, for the purpose of determining the general class of motives to which to appeal; and individually—which must usually be done during the progress of a speech—for the purpose of determining the different motives that actuate individual auditors. It is said of the great trial lawyer, Rufus Choate, that "no advocate ever scanned more watchfully the faces of his hearers while speaking. By long practice he had learned to read their sentiments as readily as if their hearts had been throbbing in glass cases."

*Appeal to the Highest Motives Possible.*—Although the speaker has the whole range of motives to select from, yet conscience, as well as tact and com-



mon sense, should guide him in the selection. In the first place, no self-respecting man would ever appeal to base or unworthy motives. Moreover, any attempted appeals of this nature ordinarily defeat their purpose, for men generally, even when they have unworthy motives, do not like to be reminded of this fact. And the real persuader must be a leader. In him the hearers must recognize an exponent of the universal struggle of man to attain an ideal—a universal desire for virtue as an impelling motive. He must, therefore, not pull his audience down to the level of the lowest motives operating in them, but must bring them up to the level of the highest active motives. Generally speaking, then, always appeal to the highest motives that will reach your particular audience.

Reverting to our outline classification, an appeal to motives belonging in the first class—duty to ourselves—is frequently natural and proper. But a speaker should not rest on appeals to self-interest alone; they should be linked to those motives lying in the next class mentioned—duty to others. In any question of policy, as we have seen, these two classes of motives are almost always present. And whenever it can be shown that a proposed reform or policy accords with the duty both to ourselves and to others, the argument has far more persuasive power than either class of motives would have by itself. So, whenever the subject lends itself to appeals to the highest motives—duty to God—the opportunity should be utilized for the purpose of persuasion. It should be remembered that the

higher the motive appealed to the more lasting will be the appeal and the stronger the impulse to action. Hence religious motives, as history shows—witness the early Christian martyrs, the Crusaders, the Inquisition, the Huguenots, and Puritans—have furnished the most powerful incentives to self-sacrificing and undaunted action. When aroused by spiritual motives, men will sacrifice everything, even their lives, in performing what they believe to be their duty to God.

In seeking for the highest usable motives related to a subject, the debater should aim to discover and present some underlying principle germane to the question, that will elevate the discussion from a narrow viewpoint to a broader outlook, from the transitory to the enduring, from the temporal to the eternal. Aim to introduce in the debate what has been termed an element of *general truth*. Try to show some deeper significance in the question than that which lies upon the surface. This has ever been characteristic of great debaters. Someone has pointed out that Burke was free from that quality which he ascribed to Lord George Sackville—"apt to take a sort of undecided, equivocal, narrow ground, that evades the substantial merits of the question and puts the whole upon some temporary, local, accidental, or personal consideration." It has been said of Webster that the greatness of his fame lies largely in the fact that he never spoke except on great themes. "The highest platform eloquence," says Emerson, "is the moral sentiment. It is what is called affirma-

tive truth, and has the property of invigorating the hearer; and it conveys a hint of our eternity when he feels himself addressed on grounds which will remain whatever else is shaken, and which have no trace of time or place or party." So, whenever a great theme which offers an opportunity for an appeal to some high and controlling principle presents itself, seize upon this and use it—both for the foundation and the cap-stone, it may be, of the whole argument.

*Persuasion in the Introduction.*—Turning now to the main divisions of the complete argument, let us see how persuasion may be used to supplement conviction. In treating of the brief, which concerns itself primarily with the reasoning processes, it was said that "the function of the introduction is to prepare the minds of the audience for the subsequent argument by presenting all facts and explanations necessary for understanding the question, pointing out the issues in the discussion, and outlining the proof as to those issues." But in actual debate the function of the introduction is, as Cicero says, "*reddere auditores benevelos, attentos, dociles*"; it should make the hearers well disposed toward the speaker, stimulate their attention, and prepare their minds for a favorable reception of what is to follow. In other words, the speaker must at the outset ally himself and his subject with the interests of his audience. Nowhere in a speech is greater tact and resourcefulness required than in the opening, for unless the speaker can make the first impressions favorable to himself and his cause,

his subsequent argument is apt to go for naught. If the audience is prejudiced against the speaker's side of a question, the prejudice needs to be dealt with at the outset by the use, it may be, of the argument of antecedent probability, by showing that the prejudice is unfounded, or by pointing out the hearers' misapprehension as to the real merits of the case, and thus making it appear that speaker and hearers are, after all, not so far apart as might seem at first glance. Following is an example of a persuasive introduction occurring in an intercollegiate debate.<sup>1</sup> The first speaker on the negative, arguing before a Southern audience in favor of the continued enlistment of negroes in the United States Army, began as follows:

In view of the unfortunate Brownsville affair that has occurred so recently almost in your very midst, and in the light of what has just been said, it may seem that there is but one side to this question that negroes are unfit to serve in the army and that their enlistment should at once be discontinued. And yet, upon reflection, it will doubtless be conceded that at least something can be said in support of the continuance of a policy that has been followed in this country ever since the birth of our nation. What we ask and what we know we will receive is simply a fair and impartial hearing of a few points which, to us, seem worthy of consideration in a discussion of this question.

It may not be inappropriate to remark at the outset that Missouri is more of a Southern than a Northern State; that the negro problem is present with us as it

<sup>1</sup> The Texas-Missouri Debate of 1907.

is with you; that negroes constitute one-third of the population of the city of Columbia, where the university is located; that Missouri was a slave State; and that it is the son of an ex-Confederate soldier who is speaking to you now. So, in sentiment, tradition, and in opportunities for studying the question the affirmative and negative stand upon common ground. Not as Northerner and Southerner, but as Southerner and Southerner, are we endeavoring to reach the proper solution of the question before us.

We fully agree with the gentlemen of the affirmative that the race question is the most serious problem now confronting the American people; but, as we have faith in the future of American civilization, we believe that time will see this great question satisfactorily settled. Nor do we for a moment believe that its solution will come along the line of social equality or along the line of political equality, but rather along the lines of equality of service and equality before the law. It is because we hope that some day the Anglo-Saxon race will dominate the civilization of the world that we are contending for negro soldiers. If, in this strenuous age of commercial competition and racial rivalry, America is to contribute toward that end, she must use every element of her population to its best possible advantage. Every individual and every class of individuals must perform that work for which they are best fitted, for this way alone lies progress, prosperity, industrial peace, and National success.<sup>1</sup>

*Persuasion in the Discussion.*—The opening and closing of a speech are the places where persuasion is most needed. The discussion, or body of the

<sup>1</sup> By courtesy of the speaker, Mr. W. F. Woodruff, of the Missouri team,

argument, should aim first of all to prove one's case—to convince. But it does not follow that persuasion has no place here. Indeed, the ideal method of using persuasion is not to reserve for it a place by itself, but to let it permeate the whole argument. Thus the oral presentation of one's argument should be something more than a mere elaboration of the steps in the proof, as contained in the brief. The skilful debater will always aim to give his reasoning a turn personal to his audience; so that, while in the discussion he is primarily concerned with reaching the understanding, at the same time he does not fail to touch the emotions, whenever his proof affords an opportunity. A few detached sentences in Webster's argument in the White murder trial will illustrate how persuasion may be diffused throughout the body of the discourse:

Should not all the peaceable and well-disposed naturally feel concerned, and naturally exert themselves to bring to punishment the authors of this secret assassination? Was it a thing to be slept upon or forgotten? Did you, gentlemen, sleep quite as quietly in your beds after this murder as before? . . . Your decision in this case, they say, will stand as a precedent. Gentlemen, we hope it will. We hope it will be a precedent both of candor and intelligence, of fairness and firmness; a precedent of good sense and honest purpose pursuing their investigation discreetly, rejecting loose generalities, exploring all the circumstances, weighing each, in search of truth, and embracing and declaring the truth when found. . . . I come now to the testimony of the father. Unfortunate old man! Another Lear in the conduct of

his children. Another Lear, I apprehend, in the effect of his distress upon his mind and understanding. . . . It is a point on which each of you might reason like a Hale or Mansfield.

*Persuasion in the Conclusion.*—Time has not changed the function of the conclusion as stated by Aristotle. He said that the object of the epilogue, or conclusion, was fourfold: First, to conciliate the audience in favor of the speaker and to excite them against his adversary; secondly, to amplify and diminish; thirdly, to arouse the emotions; and fourthly, to recapitulate. Two of these matters belong to conviction, the other two to persuasion. To recapitulate and to “amplify and diminish” are desirable, in order to unify and reinforce the appeal to reason; to gain sympathy and arouse the feelings are desirable, in order to effect the desired action. In any event, it is in the conclusion that the debater should reach the height of persuasion. Here he must aim to leave a lasting impression by marshaling all his forces and making a final appeal.

In an argument of any length, a concluding summary is almost always necessary in order to make the proof clear and forcible. In the first place, it is necessary in order to mass and unify the arguments as a whole; and again, it is necessary in order to recall to the minds of the hearers the various points previously presented, and which without some sort of repetition are likely to be slighted or forgotten. But here an important distinction between the brief and the oral argument is to be

noted. In the oral argument, one should not summarize his points by a *verbatim* repetition, but should seek to vary the expression, and thus make old material seem fresh.

But recapitulation alone is frequently not enough. The speaker needs to take advantage of the last opportunity to win the sympathy and stir the emotions of his hearers. In summarizing, he may relate his argument, as a whole or in its subdivisions, to the prejudices and interests of his audience, or he may appeal directly to the emotions. No rule can be given to determine the relative amount of conviction and persuasion that should be used in the conclusion of an argument, for this must depend upon the relation of the speaker to his subject and to his audience, the relation of the audience to the subject, and the amount of persuasion which has been introduced in the other two divisions of the argument. While the conclusion frequently offers an opportunity for proper emotional appeals, it should not be overdone—as witness the traditional “spread-eagle” outburst of Fourth of July orators. Common sense and experience must be the guides. The valuable opportunity afforded by the conclusion is often wasted in needless repetitions that only weary the hearers, and by emotional appeals that, by reason of their excess and non-adaptability to those addressed, amuse rather than move. The conclusion should be “brief without incompleteness, concise without obscurity, direct, forceful, compelling men to seize, hold and act upon the



truth established, or to abandon the error overthrown."<sup>1</sup>

Different types of persuasive conclusions are shown in the following examples. The conclusion of Webster's jury address in the White murder trial contains a brief summary followed by a dignified appeal to high motives:

Gentlemen, I have gone through with the evidence in this case, and have endeavored to state it plainly and fairly before you. I think there are conclusions to be drawn from it, the accuracy of which you cannot doubt. I think you cannot doubt that there was a conspiracy formed for the purpose of committing this murder, and who the conspirators were; that you cannot doubt that the Crowninshields and the Knapps were the parties in this conspiracy; that you cannot doubt that the prisoner at the bar knew that the murder was to be done on the night of the 6th of April; that you cannot doubt that the murderers of Captain White were the suspicious persons seen in and about Brown Street on that night; that you cannot doubt that Richard Crowninshield was the perpetrator of that crime; that you cannot doubt that the prisoner at the bar was in Brown Street on that night. If there, then it must be by agreement, to countenance, to aid the perpetrator. And if so, then he is guilty as PRINCIPAL.

Gentlemen, your whole concern should be to do your duty, and leave consequences to take care of themselves. With consciences satisfied with the discharge of duty, no consequences can harm you. There is no evil that we cannot either face or fly from but the consciousness of duty disregarded. A sense of duty pursues us ever.

<sup>1</sup> MacEwan, *The Essentials of Argumentation*, p. 262.

It is omnipresent, like the Deity. If we take to ourselves the wings of the morning, and dwell in the uttermost parts of the sea, duty performed or duty violated is still with us, for our happiness or our misery. If we say the darkness shall cover us, in the darkness as in the light our obligations are yet with us. We cannot escape their power nor fly from their presence. They are with us in this life, will be with us at its close; and in that scene of inconceivable solemnity which lies yet farther onward, we shall still find ourselves surrounded by the consciousness of duty, to pain us wherever it has been violated and to console us so far as God may have given us grace to perform it.

Following is the conclusion of one of Lincoln's speeches in the Lincoln-Douglas debates:

Henry Clay, my beau-ideal of a statesman, the man for whom I fought all my humble life—Henry Clay once said of a class of men who would repress all tendencies to liberty and ultimate emancipation, that they must, if they would do this, go back to the era of our Independence, and muzzle the cannon which thunders its annual joyous return; they must blow out the moral lights around us; they must penetrate the human soul and eradicate there the love of liberty; and then, and not till then, could they perpetuate slavery in this country! To my thinking, Judge Douglas is, by his example and vast influence, doing that very thing in this community, when he says that the negro has nothing in the Declaration of Independence. Henry Clay plainly understood the contrary. Judge Douglas is going back to the era of our Revolution, and, to the extent of his ability, muzzling the cannon which thunders its annual joyous return. When he invites any people, willing to

have slavery, to establish it, he is blowing out the moral lights around us. When he says he "cares not whether slavery is voted down or voted up"—that it is a sacred right of self-government—he is, in my judgment, penetrating the human soul and eradicating the light of reason and the love of liberty in this American people. And now I will only say that when, by all these means and appliances, Judge Douglas shall succeed in bringing public sentiment to an exact accordance with his own views, when these vast assemblages shall echo back all these sentiments, when they shall come to repeat his views and to avow his principles, and to say all that he says on these mighty questions—then it needs only the formality of the second Dred Scott decision, which he indorses in advance, to make slavery alike lawful in all the States—old as well as new, North as well as South.

My friends, that ends the chapter. The Judge can take his half-hour.

### RHETORICAL QUALITIES

There are certain rhetorical qualities which should characterize matter to be addressed to a hearer, as distinguished from that to be addressed to a reader. These qualities may be grouped under the threefold classification of (1) Concreteness, (2) Direct Discourse, and (3) Emphasis.

*Concreteness.*—The concrete as opposed to the abstract, the specific as opposed to the general, the particular example of a thing as opposed to a general statement regarding a class of things—these are especially desirable in oral discourse. We have noted the necessity of facts and the desirability of

examples, as means of proof; but concreteness, as an element of persuasion, serves the further purposes of clarifying the proof and of stimulating interest. Facts and illustrations should always either precede or follow abstract theories and general statements. One of the six rules laid down by Colonel Higginson for speech-making generally may well be followed literally by the debater: "*Plan beforehand for one good fact and one good illustration under each head of your speech.*" Among the manifold sayings attributed to Lincoln, the following tallies closely enough with his methods to be true: "They say I tell a great many stories. I reckon I do, but I have found in the course of a long experience that common people, take them as a run, are more easily informed through the medium of a broad illustration than in any other way, and as to what the hypercritical few may think, I don't care."

Illustrations, as we have seen, are not necessarily argument, but they make an argument clearer and otherwise more effective. A single anecdote, or story, or illustration has often proved more effective than much abstract reasoning, however logical and sound. If the illustration has humor in it, all the better; but the wise debater will not go out of his way to be humorous, or hunt for far-fetched illustrations. He must be careful to make sure that an illustration is apt, otherwise a dangerous opening is left for a different application by an opponent. "Illustrations rightly used assist argument, help the hearers to remember, stimulate

the imagination, rest the audience by changing the faculties employed in listening, reach through different avenues different hearers, and bridge difficult places by teaching parabolically truth to which men would refuse to listen if presented directly. To be effective they must be various, often homely, accurate, and apt, and prompt."<sup>1</sup> And to quote Lincoln again: "I believe I have the popular reputation of being a story-teller, but I do not deserve the name in its general sense, for it is not the story itself, but its purpose, or effect, that interests me. I often avoid a long and useless discussion by others or a laborious explanation on my own part by a short story that illustrates my point of view. So, too, the sharpness of a refusal or the edge of a rebuke may be blunted by an appropriate story, so as to save wounded feeling and yet serve the purpose. No, I am not simply a story-teller, but story-telling as an emollient saves me much friction and distress."<sup>2</sup>

A study of the methods employed by successful lecturers and revivalists, such as John B. Gough, Dwight L. Moody, Sam Jones, and Billy Sunday, shows that much of their power lay in the emotion aroused by their vivid stories and dramatic illustrations. Napoleon, in his Egyptian campaign, made a concrete appeal to his troops by pointing to the pyramids and exclaiming: "Soldiers, forty centuries look down upon you!" After the defeat of the Union army at Bull Run, General Garfield

<sup>1</sup> Lyman Abbott, *Henry Ward Beecher*, p. 361.

<sup>2</sup> Silas W. Burt, in the *Century Magazine* for February, 1907.

quieted the terror-stricken mob in New York by his oracular "God reigns and the government at Washington still lives." Governor Rusk dispersed a different mob in Milwaukee by declaring: "If these streets are not cleared in two minutes, I'll order the militia to let daylight into every one of you." Mr. Burchard's "Rum, Romanism, and Rebellion" speech defeated Blaine for the Presidency. And so illustrations might be multiplied to show the effectiveness of translating a general argument into a concrete statement. A speaker who couches all his statements in general terms will soon make any audience drowsy, while concrete cases, by arousing distinct images in the mind, will at least keep the hearers awake. Instead of saying that the British Empire is world-wide in extent, orators are fond of saying that the sun never sets on the English flag; or, as Webster once expressed it, an empire that "has dotted over the surface of the whole globe her possessions and military posts, whose morning drumbeat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England." So, images of individuals—specific instances—loom up larger in the imagination than those of classes. The general term calls up an indefinite image, the particular term a definite image. Instead of speaking of "alien races," the effective debater will say "Chinese and Italians." Instead of discoursing on agricultural conditions in general, he will mention corn or potatoes or pigs; the homelier the concrete example, so

that it be apt, the better. Herbert Spencer advises us to avoid such sentences as, "In proportion as the manners, customs, and amusements of a nation are cruel and barbarous, the regulations of their penal code will be severe," and to say instead, "In proportion as men delight in battles, bull-fights, and combats of gladiators, they will punish by hanging, burning, and the rack." During the Chicago riots of 1894, when President Cleveland was being criticized for employing Federal troops to insure unhindered mail service, a speaker appealed to the imagination of his hearers and aroused them to enthusiasm by using this concrete statement: "If necessary, every regiment in the United States Army must be called out, that the letter dropped by the girl Jenny, at some country post-office back in Maine, may go on its way to her lover in San Francisco without a finger being raised to stop it!" Similarly, a speaker attempting to show that with the aid of a ship-canal New Orleans would become the shipping port for the Middle West, used the following illustration: "Hills and valleys aside, if you were to kick off a barrel of flour at Minneapolis, it would roll to New Orleans."

The direct presentation or concrete illustration of an object, instead of a description of it, makes an argument more comprehensible and impressive to the average mind. When a lawyer, for example, brings a suit for damages against a railroad company for an injury sustained by his client at a grade crossing, he presents to the jury maps or photographs of such crossing, also the torn pieces

of clothing resulting from the accident, and, it may be, the actual injury inflicted upon his client. In like manner, President Roosevelt attracted unusual attention to his special message to Congress regarding the Panama Canal by submitting as a part of the message numerous photographs illustrating various phases of the problem of construction. So, when the pure-food bill was before Congress in 1906, Representative Mann, of Illinois, procured packages containing impure food-stuffs and had them on a table before him during his argument; and it was claimed that this method of concrete presentation did more to turn the tide in favor of the bill than any other one thing.

Concreteness is especially necessary in dealing with statistics. In the establishment of one's proof statistics must often be employed, but in debate, as distinguished from the written argument, they should be "heard and not seen." To recite a table of figures it is not only "dry" to a listener, but usually unintelligible. The debater should select the point essential to his argument, and put this in a brief and interesting form. Figures should usually be presented in relative terms, or in terms of percentage. In any event, some standard of comparison should always follow statistics stated in the abstract. For example: "The farm value of the corn, wheat, and oats produced in the United States in 1896 amounted to \$934,000,000; in 1906, it aggregated \$1,912,000,000. The value of farm animals increased from \$1,728,000,000 in 1896 to \$3,675,000,000 in 1906. Thus we see that



farm values have more than doubled in a period of ten years. For every dollar possessed by the American farmer in 1896 he could get two dollars in return in 1906. And in the wages paid to labor, in manufacturing, and in our foreign trade, prosperity during this period has moved along on the same double-track lines."<sup>1</sup> Again, figures should almost always be stated in round numbers; small numbers and fractions detract from the vividness. Rhetorically speaking, fifty thousand dollars is a larger sum than \$50,138.47; half a million dollars is far more comprehensible than \$500,239.62.

The relation of the oral argument to the brief is largely a problem in concreteness; and it is a problem demanding great care and, usually, considerable practice. In all argumentation clearness is essential, and this has presumably been secured in the brief. But the brief is only the foundation and framework for the finished argument. Now, in completing the structure—to continue our figure—there are these two extremes: first, in making it so plain and severe that it is unattractive, or so jagged and seamy as to expose the framework; and, secondly, in making it so ornamental—so adorning it with foliage and flowers and accessories—that the solidity and proportions of the structure are completely hidden. On the one hand, then, the general outline of one's proof should be made apparent. The oral argument will ordinarily follow the order of the brief, and the points to be

<sup>1</sup> Adapted from the speech of Hon. Joseph G. Cannon in opening the Congressional campaign of 1906.

enforced and their logical connections must be made plain to the hearers. This is necessary for securing clearness, and it is a necessity that the inexperienced debater is apt to overlook. In most arguments the structure is not clear enough; the hearers are not made to understand, at each step in the proof, just what progress has been made—just how a particular argument is related to arguments preceding and following. But while structure needs to be emphasized, it should not and need not be at the sacrifice of rhetorical form and finish. One's proof is not to be presented to an audience simply by a fuller statement, in a bald and literal style, of the headings of the brief. Such a method might arrest the attention of a specialist in logic or mathematics, but would utterly fail to convince or persuade the average listener. In short, the ideal relation of the oral argument to the brief would be such that the hearers can listen to the argument with the ease and interest with which one listens to a good conversationalist, and at the same time can follow its structure as readily as that of a logical syllogism or a geometrical demonstration.

*Direct Discourse.*—Another distinctive characteristic of spoken discourse is that it partakes of the nature of direct conversation, as of man to man. In a written argument the audience is unknown, or indistinct; in debate, the audience is usually known in advance, and is always known—and is to be recognized—at the moment of speaking. This direct contact of hearers and speaker

necessitates, on the part of the latter, an attitude of directness. The speaker must keep constantly in mind, and must so impress his hearers, that he is addressing that particular audience, not only in the mass, but as individuals. This relation of speaker to hearers should result in the frequent use of direct discourse, and this, in turn, in the use of direct, short sentences, of the present tense, and of the interrogatory. The direct, short sentence is an aid to clearness, and it is the conversational style. This does not mean, of course, the disconnected, "chippy" style affected by some, and it does not preclude the use of the periodic sentence in making a summary or in leading up to a climacteric conclusion; it simply means that long, involved, over-formal sentences, which sometimes might be tolerated in an essay, should never be used in a speech: the hearer has no chance to review statements at his leisure, but must be made to grasp the thought, with the least possible mental effort, as the speaker proceeds. If a debater, then, bears in mind that the best speaking is simply direct, strong talk, and so frames the expression of his argument in his best conversational style, he will not go far amiss. And then, if you put a statement in the present tense and in the second person, you at once emphasize this conversational relationship—you make the hearer a partner in the discourse, with all the interests of partnership. Then again, if you ask a man a question, simple respect compels his attention; the question-asking method comes to him with far more directness than the same state-

ment put in the third person and in the declarative form. Note, for example, the difference in its effect upon the average listener between saying, "It has been claimed by some that the policy proposed has only a practical and immediate bearing, but it can be shown, however, that such is not the case"; and this form: "Do you say that this measure deals only with the case now before us? Let us see about that." The rhetorical question in debate conduces to variety and incisiveness. So, the question-asking or "Socratic" method as between the debaters themselves involves the application of this same principle of directness, and has the further advantages of pointing out the issues, compelling a direct reply, and casting the burden of proof.

*Emphasis.*—As related to argument, emphasis puts stress upon the significant points in the proof. The main issues are in some way to be so placed before the audience as to leave a definite impress. Among the ways of accomplishing this are by frequent summaries and proper transitions, and by the employment of iteration, energy, and movement.

We have noted the need of a summary in the conclusion, but in an oral argument of any length intermediate summaries, at the conclusions of the main divisions of the proof, are usually necessary. It is to be borne in mind that even the most attentive listener cannot readily carry in mind the proof in detail without some aid in the way of occasional recapitulation. The reader can look back and review, when necessary; the hearer must get the

thought as the speaker proceeds, else not get it at all. A summary enables the hearer to review, in concise form, just what has been shown up to a given point. Generally speaking, the paragraph structure of the finished argument will correspond with the main headings of the brief; and a good general rule is, to let the last sentence of a paragraph state in a summary form the main thought embraced in such paragraph. This should not be done in a formal and stereotyped fashion; these concluding sentences should be varied in form, now a pure summary and now incorporating the persuasive element, as the nature of the proof demands. Then, in closing up a larger division of the arguments—as the I, II, III propositions in the brief—a separate paragraph should often be incorporated for the purpose of summarizing the entire proof up to that stage of the argument, and so emphasizing the salient points. “The essentials of a good summary are: to include every important point made; to show clearly their relations to one another; to give each its due emphasis; to provide one or more, as circumstances require, with persuasive significance; and to leave perfectly clear the meaning and purposes of the ideas taken as a group.” Following is an excellent example of the concise, simple, and direct style of summary that is usually most desirable for use at the intermediate stages of the proof:

These are some of the serious and threatening evils of the present practice of treating the inferior posts of administration as party prizes. It exasperates party spirit

and perverts the election. It tends to fill the public service with incapacity and corruption, destroying its reputation and repelling good men. It entices Congress to desert the duties to which it is especially designated by the Constitution, and tempts the Executive to perilous intrigue.<sup>1</sup>

Closely allied to the summary, and not infrequently a part of it, is the transition. The summary looks backward, the transition forward; or, if you please, the transition first glances backward, and then looks forward. "A transition is a form of speech by which the speaker in a few words tells his hearers both what he has said already and what he next designs to say. Where a discourse consists of several parts, this is often very proper in passing from one to another, especially when the parts are of considerable length; for it assists the hearers to carry on the series of the discourse in their mind, which is a great advantage to the memory. It is likewise a great relief to the attention to be told when an argument is finished, and what is to be expected next."<sup>2</sup> In an argument, as distinguished from other forms of composition, the opening sentence of a paragraph should indicate the transition by a sort of combined summary and partition. This must, of course, be done briefly; but as a general rule, though by no means an inflexible one, let the first sentence of a paragraph state the connection between the new line of argument and that which has immediately preceded it,

<sup>1</sup> George William Curtis, *Orations and Addresses*, II., p. 43.

<sup>2</sup> Ward, *A System of Oratory*, IX., p. 290.

and indicate what the subject of the paragraph is to be. This, again, aids the hearers in following you, and so is one means of emphasis. Thus, George William Curtis, in an argument in favor of civil-service reform, begins a paragraph with this sentence:

But while these are the necessary results of the present system of admission, both upon the service itself and upon the character of those who are employed in it, there are evils to be considered still more serious.

Iteration is another important means of emphasis, and it is much more allowable in oral than in written discourse. You want the hearers to get the strong points in your argument, and if there is any reason for thinking that a given point may not have been made clear or that its importance is not properly appreciated from the first presentation, say it again and again, seek for another way of approach, pound away by the use of varied illustration—for here the principle of concreteness can well be applied.

Any one who has listened to the arguments of the most successful trial lawyers must have noted that iteration is a common device for gaining emphasis. Early in Greek oratory, indeed, its value was recognized:

A striking trait of Isaeus [420–350 B.C.] in the province of argument is iteration; and the preference of emphasis to form which this implies is worth notice as suggesting how the practical view of oratory was beginning to prevail over the artistic. Sometimes the repeti-

tion is verbal—an indignant question or phrase occurs again and again, where Isocrates would have abstained from using it twice. More often it is an argument or a statement which the speaker aims at impressing on the hearers by urging it in a series of different forms and connections. Or even a document cited at the outset is read a second time, as if to make the jury realize more vividly that a circle of proof has been completed.<sup>1</sup>

It should be understood that the best method of iteration is not the merely verbal, but rather the method described in the preceding quotation—that of presenting an argument “in a series of *different forms and connections*.” Iteration means a repetition of the thought, and not of the form of expression. It consists in going over the same ground, but not the same course, so far as the verbal form is concerned. Otherwise, it descends into mere tautology. Variety, here as elsewhere, is to be sought; the question being, “How can I present this point in some other way so as to make it clearer and more emphatic?” Further, it is only the *important* points that are to be emphasized by iteration. The debater must keep in mind the perspective of his argument as a whole and observe the law of proportion. Emphasis of relatively unimportant arguments detracts from the emphasis of important ones. Again taking the paragraph as the unit of the thought development, the stronger arguments are the ones to be placed first and last in the paragraph, and are to be dwelt upon with

<sup>1</sup> Jebb, *Attic Orators*, II., p. 297.



greater fullness of evidence and reinforced by any necessary iteration.

There is, of course, another side to this matter. There is danger of being so repetitious as to be tiresome, and to so "overprove" even important points as to insult the intelligence of an audience. A friend once asked Daniel Webster, "How did you come to lose that case?" and the reply was, "I overproved it." It is always a nice question to determine just when the point of greatest emphasis is reached, for to go on elaborating what is obvious is weakening.

For the purposes of argumentation, energy and movement as elements of emphasis may be classed together. Energy may be largely aided, of course, by the manner of delivery, but speaking now of form of statement, it should be the speaker's constant endeavor to make his style as sententious as possible. The debater must study and cultivate the art of putting things. He must make his points stick. Hence the value of the epigram. A constantly recurring question should be, "How can I make the expression of this point more striking?" "To energize knowledge is the office of persuasion." Movement is the complement of energy. The hearers must be made to feel that, as the argument proceeds, some real progress is being made, and that toward a definite point. The drift and purpose of the whole argument, and of each division of it, must be made apparent as the proof is developed. The summary and transition are aids to this end, but there must be logical

progress. The proof must move along, must go steadily forward, not back and forth, not round and round, not by leaping of gaps. If one were to journey to a given point, he would take as direct a course to it as possible; and yet much student debating resembles the movements of a dog that might accompany our traveler on his journey—pursuing a zigzag course, turning hither and thither, and here and there barking up a tree. The debater must follow closely the course as staked out by the main issues. Digression and discursiveness are foes to movement. Do not attempt to say something about everything connected with the subject. Especially when one's time is limited, there is danger of proving *at* too many lines of argument. It is far better to select a strong argument and *prove it*, and let minor arguments go, if necessary. Weight counts far more than numbers. Rhetorically, there is all the difference in the world between an enumeration of arguments and a chain of proof. That is to say, emphasis is of far more importance to the success of an argument than exhaustiveness.

*Method of Preparation.*—Having drawn a brief of a question for debate, shall a speaker write out his argument in full and memorize it, in whole or in part, or shall he only use the brief as a general guide, and trust to the extempore method at the moment of speaking? Each method has its advantages and disadvantages, and so much depends upon individual experience and capability that there has been, no doubt, much useless theorizing

about this question. No dogmatic rule can be laid down that this or that method is the best for every occasion and individual. But whatever method is used at the moment of delivery, proper preparation for debating in general, and for any debate in particular, requires practice in reducing one's thoughts to writing. Practice in writing out an argument in full, with the careful weighing of words and the application of all the rhetorical principles previously discussed, should always precede any attempt at extemporaneous presentation; for writing conduces to orderliness, exactness, force, and finish, and also—an important item when a speaker has a time limit—to economy of words. Further, whether the speech as written be memorized word for word or not, it is far more likely to come to the speaker in the orderly form in which it was written than if no manuscript had been prepared in advance. Just what use may be made of the manuscript must depend upon the individual. It is always a question between accuracy and finish, on the one hand, and freedom and fluency on the other. In formal debates, where the line of argument for each debater has been agreed upon, and there is limited time in which to present it, it is best, as a general rule, for the speaker to get the form as well as the substance of his argument pretty well in mind. But the debater must acquire the ability to depart from his prepared speech, when necessary. Of all the forms of public address, debating especially requires that the speaker be flexible and able to cast aside a cut-and-

dried speech when occasion demands. His introduction, for example, must frequently be determined by the state of the discussion at the time he enters it; and although much of his refutation may be planned in advance, he cannot depend upon that alone, but must often reply directly to an opposing argument. Let the student, then, at least in his initial efforts, write out his argument word for word; let him memorize it, if need be, to use as a sheet anchor for his sailing while confidence is being acquired; but let him gradually learn to speak extempore, wholly, if his experience and ability warrant this method, but at least in part as the exigencies of debate may demand.

*Sincerity and Earnestness.*—Sincerity in professed beliefs and earnestness in their presentation are prime essentials for persuasive debating. It is fundamental that, if you are to produce certain beliefs in others, you must hold those beliefs yourself. And the earnestness of a man with convictions will go far toward making his speech persuasive and covering up many flaws in his argument. People in general hold their opinions so loosely that a man who believes anything with his whole heart is sure to make converts. "In argument," says Emerson, "the most important is the dry light of intelligence; but in persuasion the essential thing is heat, and heat comes of sincerity."

Real earnestness will be indicated by these two paradoxical characteristics—positiveness and modesty. A debater should be an advocate, not a judge. His convictions on a given question should

lead him to a sure, positive conclusion regarding it, and this attitude of positiveness should be apparent in his debating. The weak-kneed, wishy-washy, vacillating style accomplishes nothing. How often have we heard debates where a speaker says, in substance, "Some say this about this question and some say *this*. I rather think this is the way we should look at it"—and he ends by leaving the hearers somewhat uncertain as to just where he stands on the question, because he is apparently not altogether certain himself. Effective debating requires that the speaker leave the impression that he has reached an unqualified conclusion about a question and that there can be no doubt about the correctness of his position. And this very positiveness, born of earnest conviction, will carry with it the quality of modesty. That is, the burden of the speaker's plea will be, not "Hear me for myself," but "Hear me for my *cause*." He will sink the individual, and put forth his subject-matter, and let *that* speak. This does not mean, of course, that one should not have the courage—even the physical courage—of his convictions; it means that for the most effective debating a man's argument should be kept in the foreground and his personality in the background. There are always a small percentage of our public men who persist in the too frequent use of the pronoun "I," and who mar the effect of their public discussions by an apparent effort to produce the impression that *they* are of more importance than the subject under discussion. This same attitude shows itself

in student debating when a speaker says, "*I think so and so about this point, and I think that the argument of my opponent is untenable,*" etc.—while the unuttered comment of the audience is, "*Who cares what you think? Show us facts and arguments, and we will decide for ourselves what we shall think.*"

In actual life one would, of course, argue for that side of a question that accords with his convictions. In school and college debating, as in the practice of law, this may not always be the case, but it does not follow that the speaker may not be both sincere and earnest. He is not to decide a debatable question in advance, but is to leave that for others; he is to present the proof appertaining to his side, and vindicate it before his hearers. And herein lies another distinction between school and college debating, as it is usually carried on, and the real discussions of real life; in the one case, the primary object is to win the debate; in the other, the primary object is to find the truth. It may be answered that it all amounts to the same thing. Possibly so, but sometimes not. The ambition to turn out a "winning team" often leads, as in athletics, to professionalism and efforts to win at any cost, even by "trick plays." Thus one of the foremost teachers of argumentation in this country, Prof. George P. Baker, of Harvard, has pointed out that intercollegiate debating "is becoming more and more a highly developed special form of debate—an intellectual sport." It by no means represents all forms of public discussion, nor all kinds

of debating; and the decision of the judges is, after all, only an incident; especially so since no absolute standards for judgment have been or can be laid down. In any case, when school and college debating goes beyond the point of friendly rivalry; when a victory is so emphasized that the training derived from honorably striving for it is lost sight of; when a warlike desire to vanquish a foe is greater than the desire to convince and persuade men of a truth, and the guiding principles of sincerity and earnestness are thus disregarded—then such contests become of doubtful value.

In this connection, two admonitions may well be heeded regarding what may be termed the ethics of debate: (1) Be honest, and (2) be respectful to your opponent and to his argument.

1. The necessity for honesty arises in two ways: in the presentation of your own arguments, and in the handling of those of your opponent. A debater, for instance, is often tempted to "doctor" evidence, as in the statement of statistics or the quotation from an authority in such a manner as to make them appear to prove something quite different from what they really prove. Not that one should argue the other side of the case—leave that for the opponent. It is neither necessary nor proper in debating, any more than in other things in life, always to disclose the whole truth; but the point is, when anything is told, it should be the truth. And he who attempts to gain an unfair advantage by violating this principle most usually

only cheats himself, for let a single such case be pointed out by an opponent, and the audience at once becomes suspicious that "he who is false in one is false in all." Again, whenever you have occasion to restate an argument of your opponent, state it fairly. In this respect the amateur in debate needs specially to watch himself. In the first place, it is foolish to say that your opponent said so and so when the hearers know better. In the second place, a desire to erect straw men to knock over often leads a careless debater to misrepresent—not intentionally, perhaps—an opponent's position regarding a mooted point; but this is also fatal, for any appearance of unfairness in the handling of your opponent's argument only prejudices the audience against your own argument. The fault arises from what John Quincy Adams, in his "Lectures on Rhetoric and Oratory," calls the error of answering yourself instead of your opponent. In Lecture XXII he says:

But the most inexcusable of all the errors in confutation is that of answering yourself instead of your adversary, which is done whenever you suppress, or mutilate, or obscure, or misstate his reasoning, and then reply, not to his positions, but to those which you have substituted in their stead. This practice is often the result of misapprehension, when a disputant mistakes the point of the argument urged by his adversary; but it often arises also from design, in which case it should be clearly detected and indignantly exposed. The duty of a disputant is fairly to take and fully to repel the idea of his opponent, but not his own. To misrepresent the meaning of your



antagonist evinces a want of candor which the auditory seldom fail to perceive, and which engages their feelings in his favor. When involved in controversy, then, never start against yourself frivolous objections for the sake of showing how easily you can answer them. . . . There can be no possible advantage in supposing our antagonist a fool. The most probable effect of such an imagination is to prove ourselves so.

2. Observation of student debating, as well as of public discussions generally, teaches the necessity for the cultivation by the debater of an attitude of respect toward an opponent and his argument. Remember that a person opposing you in argument is not an enemy, but an opponent; not a falsifier of truth, but one who is in error and whom you are to set right. He is not to be vanquished, but made to see the truth. Furthermore, have consideration for the ideas of another: "Every man with a new thought may be a Columbus in disguise." In any case, he is entitled to a respectful hearing.

It is said of Pericles that when interrupted in a speech "he gave way and never answered sharply, nor used his position to the other's discomfiture. In his speeches there was no challenge, no vituperation, no irony, no arraignment. He assumed that everybody was honest, everybody just, and that all men were doing what they thought was best for themselves and others. His enemies were not rogues—simply good men who were temporarily in error."<sup>1</sup> Non-recognition of this principle is

<sup>1</sup> Elbert Hubbard, in *Little Journeys* for January, 1905.

shown whenever a student uses such expressions as, "He gets up here and foolishly asserts so and so," "He harps about this point," "We now have him crowded to the wall—he is completely cornered." Avoid any attempt to be a "smart" debater, using any of the stock jokes usually associated with the country-school debate; as, "The gentleman speaks as though he really believes what he says," or "He is like a bird flying along a rail fence—you can't tell any one moment which side he is on," etc. But it may be perfectly plain to the audience "which side he is on," in which case such remarks are worse than useless. Other exhibitions of a lack of due respect and of a proper attitude toward those on the other side are shown when a speaker dramatically challenges his opponents by addressing them alone, accompanied, it may be, with a quasi-withering look or gesture; or flaunts an authority in their faces; or otherwise conducts himself in a hysterical fashion, when there is no especial cause for excitement and when the refutation would be far more effective if presented in a respectful and dignified manner.

Courtesy, aside from being a fundamental quality of the gentleman, in debate helps to win an audience far more than students often realize. Ridicule and irony are seldom helpful. Irony that springs from personal spleen and malignant contempt for those against whom it is directed is neither justifiable nor effective. There are times, to be sure, when irony may be as a "terrible and fiery finger, shriveling falsehood from the souls of

men," but it is a dangerous weapon, and should be used only in extreme cases. It may happen, of course, that one needs to answer a fool according to his folly. Sometimes a case may be, as the lawyers say, "laughed out of court." But when it becomes necessary to make fun of an opponent's argument, do so good-naturedly. As a general rule beware of the *ad hominem* argument. Anyhow, the use of personalities is petty, in poor taste, and is trying to an audience even of the most ordinary intelligence; people generally are growing less and less tolerant of slander and personal abuse. And above all, in the stress of a hotly contested debate, a participant should watch his temper. It has become a truism that whenever in an argument a man gets angry, he is as good as beaten. "Arguments cannot be answered with insults; anger blows out the lamp of the mind. In the examination of a great and important question, be serene, slow-pulsed, and calm." If not "calm," at least self-controlled. In fine, the guiding principle in debate should be the subordination of partisanship and personalities to a search for truth.

In all these ways, then—by appeals to emotions related to the argument and adapted to the audience, by the use of the rhetorical qualities of concreteness, direct discourse, and emphasis, and by the manner of delivery—persuasion may be made to supplement and reinforce conviction.

*Manner of Delivery.*—The most important thing in delivery is to know what you are going to say. There is no substitute for this. However, the best

prepared speech may be marred by a poor delivery. The manner of speaking is so obvious that it never escapes the attention of the audience. A poor argument now and then may elude detection, but "bad form" in delivery, never; it is, therefore, of more importance than many debaters suppose.

It is impracticable to go into details concerning platform delivery. The student who desires to become an effective debater should, as early as possible, receive sound and sensible training in the fundamentals of expression—namely, enunciation, pitch, inflection, emphasis, volume, loudness, vocal quality, etc. Assuming that this preliminary training has not been neglected, a few suggestions on delivery of special interest to debaters may be helpful.

Stand erect with weight usually on the forward foot. Do not walk to and fro parallel with the platform. Move about, easily and noiselessly, on your feet, but seldom leave your place at the center of the platform. Gesturing with the hands for emphasis and description is desirable, but must be graceful and used sparingly; debating is an intellectual process, not emotional. Never gesture with your hand across the middle line of your body. Always face your audience squarely; move the entire body, not only your head, when you desire to speak to your opponents on the platform, or to different sections of the audience. The index finger, rather than the open hand, marks the intellectual man.

Speak clearly and distinctly, and loud enough to

be heard in all parts of the room. The key should be normal, but marked with changes in pitch and inflection. The quality should be pure, firm, resonant, and pleasing. Enunciation must be distinct. Do not say, "La's an' gen'l'm'."

The general style of delivery should be strong and earnest—conversational. Make your speaking direct, strong *talk*. Do not speak as though you were delivering an oration or a sermon. Avoid all slang and other eccentricities in speech and gesture. Be absolutely positive that you pronounce every word correctly. Your time is limited, therefore get in all the arguments you can in the time allotted. Speak as rapidly as you can, but never sacrifice distinctness and force for speed. What matters it how much you say if you are not understood? Always look your audience in the face; do not look out of the window, up at the ceiling, or at your feet. Speak as though it were a matter of life and death. Know your subject, then discuss it with all the force and earnestness of a live man who has a vital message for his hearers.

### EXERCISES

1. For practice in adapting persuasion to a particular audience take some such proposition as: Our State Legislature should appropriate \$—— to this institution for [a designated purpose]. Write out an argument to be presented, say, to the legislative committee to whom this matter has been referred. Now suppose you were to present the same line of argument to a country audience during a political campaign; how would you revise your first speech?

2. Put the following statements and arguments in concrete form by the use of a specific example, an illustration, an anecdote, or some form of figurative language:

- (a) A member of a legislative body should not serve as an attorney in any manner for a public-service corporation. Since corporations of this class are likely to be subjects for legislation, an attorneyship for such corporations is incompatible with faithful legislative service.
- (b) As the twig is bent the tree is inclined.
- (c) In politics, as in other relations of life, honesty is the best policy.
- (d) Murder will out.
- (e) Eloquence results from a conjunction of the man, the subject, and the occasion.
- (f) The mass of mankind cannot be instructed or influenced by abstractions.
- (g) Diligence is the price of success.
- (h) In times of peril strong men come to the front.
- (i) Our multimillionaires are a menace to society.
- (j) Ours is a government of public opinion.
- (k) "America is another name for opportunity."

3. Take paragraph 30 of Burke's speech on "Conciliation with the American Colonies" (*Masterpieces of Modern Oratory*, pages 24-25), and let the student note the logical sequence of sentences by underscoring the words of explicit reference which indicate such sequence.

4. To illustrate persuasion arising from the adaptation of material to a particular audience, analyze and discuss with the class the extracts from the Lincoln-Douglas debates (*Masterpieces*, pages 142-151). Further examples in the same volume may be found on the following pages: 192-193, 214-218, 258-259, 263-264, 327-328; and an illustration arising from the relation of the speaker to his subject will be found in the opening of Webster's address (pages 65-66).

## IX

### METHODS IN SCHOOL AND COLLEGE DEBATING

AS distinguished from debating generally, the practice for training involved in the debates of school and college demands special consideration as to the organization and conduct of such debates. Whether in a class exercise, a debating or literary society, or an inter-school debate, the methods of procedure are essentially the same.

*General Organization and Conduct of a Debate.*—There are usually either two or three speakers on each side, with a given time limit for speaking, and varying rules as to rebuttal speeches. There being three debaters, say, on a side, no one speaker is called upon, nor should he attempt, to cover the whole case for his side—unless by way of outline or general summary. That is, there must be “team-work,” each member of the team having a definite task to accomplish. It is therefore necessary that the speakers on each side should look to a careful organization of their argument as a whole by a three-fold division, each speaker being assigned some one main line of argument. The division should be, first, exhaustive—that is, the whole field of the argument should be covered; and, secondly, logical—that is, the divisions should be related to each other by nat-

ural sequence, and such relation should be made plain to the audience as each speaker on a side presents his particular argument. Whenever necessary, an interpretation of the question, if practicable, should be agreed upon in a preliminary conference, in order that all quibbling over the meaning of terms may be avoided. In class exercises the author has found it a good plan to conduct debates in accordance with the following rules of procedure:

1. The first-named affirmative and negative speakers are, respectively, the leaders for each debate, with the second-named speakers as alternates.

2. One week prior to any debate the respective leaders will confer with their colleagues and divide the argument into as many divisions as there are speakers, assigning points and references from the brief previously prepared.

3. Immediately preceding the debate each leader will hand to the instructor a brief written outline of the complete argument, with the respective assignments; and each speaker will make in advance a written outline of his particular argument and hand the same to the instructor when called upon for the oral presentation.

4. The arguments must be presented without notes. Speakers will be allowed six to eight minutes each, according to the number participating, a one-minute warning bell being rung. The affirmative leader will have three minutes for rejoinder. Extempore three-minute speeches in rebuttal, by unassigned members of the class, may be given, as time permits.

It will be seen that Rule 2 above implies that at least the leaders shall have briefed a question in advance. This requirement is essential for preventing superficial work, and it is desirable, of



course, that all those assigned for a given debate shall have briefed the question. In any event, no debater should make the mistake of preparing his particular line of argument solely. True, his main work is that of presenting and defending his particular division of the proof, but he should also know the case as a whole. Thus will he be able not only to see clearly the relation of his particular argument to the whole case for his side and to make such relation clear to the audience, but also prepared to rush to the defense of a colleague when the exigencies of the debate so demand.

#### THE WORK FOR EACH SPEAKER

With the debate organized as above indicated, let us examine—necessarily in a general way—a little more in detail the work for each speaker.

*First Affirmative Speech.*—The opening by the affirmative leader must be, first of all, introductory and expository. He must first arouse interest in the subject for debate, show how it is related to the interests of the audience, make clear the meaning of the question, point out the main issues, show how the affirmative side proposes to establish its case, and then move into the first division of his proof. In other words, he should cover first the essential points as outlined for the introduction of his brief. But the opening speech should be something more than merely introductory; it should take up and develop at least one line of argument, so that some real progress is made in the proof before the nega-

tive side takes up the discussion. An affirmative leader is sometimes apt to spend so much time in his introduction that he has no time left for positive proof. He must make a clear and plausible *prima facie* case, and then reinforce this by evidence bearing on at least one of the main issues for proof. In closing, it is frequently a good plan, if the question lends itself to this method, to submit certain questions or propositions which the negative are bound to answer or prove in order to meet the case you have made out.

*First Negative Speech.*—The opening by the first negative speaker must almost always be a direct reply to the first speaker for the affirmative. To that end, he must quickly decide his answers to such questions as: Is the introduction by the affirmative acceptable? Do you agree with his interpretation of the question? Is his analysis satisfactory, especially as to the issues and the burden of proof? Does the outline of the affirmative leader cover the case? Is the proof he has offered directly opposed to your assigned line of argument? If not, can you safely leave it for one of your colleagues to answer in detail? If so, deal it one blow, and explain to the audience that you leave the details of refutation to a colleague as belonging to his division of the negative proof as a whole; that is, do not give the impression of dodging the question by an arbitrary postponement. Now outline the case for the negative and move into the proof of your assigned division. In closing, propound, in turn, it may be, questions of the

affirmative which you conceive they are bound to answer in order to establish their case.

*The Second Speeches.*—The speakers second in order, affirmative and negative, must elaborate and carry on. Do you accept the task imposed by the last speaker? If not, readjust the case, showing your right to do so. Rapidly summarize your colleague's preceding argument and, when necessary, strengthen it against the attack of the preceding speaker. Take up your division of the proof, showing its relation to the argument of your colleague. Summarize your own and your colleague's proof up to this point, and make it clear to the hearers that the proof to be offered by the colleague who will follow completes a logical and strong case for your side.

*The Third Speeches.*—Each of the last speakers in direct debate has both to elaborate the final points and to conclude. He must complete the proof as first outlined, close up any gaps that have been left by his colleagues or made by his opponents, summarize the whole proof for his side, and leave as vivid an impression as possible regarding the strength of his side as compared with that of his opponents. To "amplify and diminish," in concluding, is a very effective method. The conclusion should not only sum up, but it should also show that the final points complete a strong case—that they clinch the proof.

*Rebuttal Speeches.*—It will be seen that the rules to govern class exercises, as previously stated, provide for a brief speech in rejoinder by the affirma-

tive leader. The rules for interscholastic and intercollegiate debates vary as to the provisions for second speeches; sometimes a representative from each side, and again each member of the teams, has a speech in rebuttal. In the latter case the points to be dealt with by each speaker are determined in part in a consultation with his colleagues; but it is to be remembered that the first business of any speaker in rebuttal is to defend and strengthen his particular division of the proof—the necessity for *team-work* must never be lost sight of. It should also be remembered that a speech in rebuttal should introduce no new matter; that is, it is not permissible to present new lines of proof, although new evidence may be introduced to sustain a controverted point which has been presented in the direct debate. Further than this, little can be said of any real value in addition to what was said in the chapter on Refutation. It may be worth while repeating here, however, that rebuttal which degenerates into scattering objections makes little total impression; that the repetition of a number of minor points carries no weight; and that an attempt to make any sort of a detailed reply to a mass of arguments in a few minutes is futile and confusing. What is needed is to select the fundamental points, show that they are fundamental, that they have been proved, and that therefore the proposition is proved. Rebuttal, like direct proof, must be massed on main points. And there is also danger of mere assertion in rebuttal, no less than in direct proof. It will ordinarily

not do to say, for example, "My colleague has already met this point," but it is necessary to remind the hearers, by rapid review, just how he has met it, and why his proof should be accepted in preference to that offered against him.

The suggestions offered in this chapter are, after all, only suggestions. They are by no means intended to furnish a system to which all debates must conform. The necessity for a well-organized plan, however, so that the work of each debater dovetails into that of his colleagues, cannot be too strongly emphasized, for the lack of such organization is the bane of much student debating. The affirmative speakers must establish a line of proof all leading to the same end—they must make out a case. The speakers on the negative, too, as we have previously seen, must usually do something more than simply attack the proof offered by the affirmative; they must also make out a case to replace that of the affirmative. Each side should ordinarily hew close to the line previously marked out. It may sometimes happen, of course, that one side may have to abandon its prepared line of argument in order to meet the case as presented by the other side, but such instances are rare.

But while successful team debates have rigid requirements as to organization of the proof and division of labor, good debating must, on the other hand, necessarily be flexible. In tracing the general progress of a debate we noted the necessity for a speaker's quickly deciding how he should meet a given argument on the other side, and how

fully he should meet it, always bearing in mind that he must leave time for his own constructive proof. He who has not learned to depart, whenever the state of the discussion demands it, from a cut-and-dried speech is at a great—and usually a fatal—disadvantage. True, in most questions a thorough study of both sides will reveal the leading arguments *pro* and *con*, so that one may prepare rebuttal largely in advance. But general preparation only is possible, for one never knows just what points he will be called upon to refute, nor just how they may best be treated, until they are presented by the other side in actual debate. And it is this very uncertainty, this necessity of quickly adjusting methods of attack and defense, that makes debating the most flexible, the most difficult, and withal the most stimulating of all forms of public speaking.

### EXERCISES

Discuss assigned debates for the purpose of determining how well the foregoing principles have been carried out. Similar exercises may be devoted to a study of the Lincoln-Douglas debates (*Masterpieces of Modern Oratory*, pages 133-146, or Bouton's edition of these debates, will furnish convenient texts), and of the Hayne-Webster debate (*The Great Debate*, Riverside Series). See also "Specimen Debate," Appendix II.

## APPENDICES





## APPENDICES

### I

#### QUESTIONS FOR DEBATE

**T**HE following questions in the various fields of politics, economics, sociology, education, law, history, and current events have been tested, for the most part, in class exercises. It will often be found advantageous to limit general propositions to a particular locality or State.

#### POLITICS AND GOVERNMENT

1. A young man casting his first vote at the next Presidential election should vote for the candidate of the \_\_\_\_\_ party.
2. The discrimination against the Chinese, in our immigration laws, is unjustifiable.
3. The Chinese-exclusion law should be extended to the Japanese.
4. The white citizens of the Southern States are justified in taking all peaceable measures to insure their political supremacy.
5. Negroes should neither be enlisted nor commissioned in the United States Regular Army.
6. The Australian ballot system should be generally adopted in the United States.

7. Government by commission, similar to that of Galveston, Texas, should be generally adopted by the cities of the United States.

8. The business-manager plan of city government, similar to that of Dayton, Ohio, should be generally adopted by the cities of the United States.

9. The President of the United States should be elected for a term of six years and should be ineligible for re-election.

10. The several States should adopt the initiative and referendum.

11. The suffrage should require an educational qualification.

12. Women who pay taxes should have the right to vote at municipal elections.

13. Women should be granted the suffrage on equal terms with men.

14. Compulsory voting should be introduced by the various State governments.

15. Independent political action is preferable to party loyalty, as a means of securing reform.

16. The predominance of one political party in the Southern States is opposed to the best interests of those States.

17. The United States Government should operate an express system in connection with the parcel post. All postmasters should be elected by popular vote of the communities that they serve.

18. A nation advanced in civilization is justified, in the interests of humanity at large, in enforcing its authority upon an inferior people.

19. The United States Government is unsuited to the administration of colonial dependencies.

20. The Indian-agency system of the United States Government should be abolished.

21. The United States should maintain a larger navy.
22. Conditions demand a further centralization of power in the Federal Government.
23. In actual practice, a "liberal construction" of the United States Constitution has always proved beneficial.
24. The United States should resist—by force if need be—the colonization of South America by any European power.
25. An alliance between the United States and Great Britain, similar to the latter's alliance with Japan, is desirable and expedient.
26. The annexation of Canada to the United States, if peaceably effected, would be to the best interests of both countries.
27. Cuba should be annexed to the United States as soon as practicable.
28. The United States should establish a protectorate over Mexico.
29. The deportation of all negroes in this country to one of our island possessions offers the best solution of the race problem.
30. The government of all cities in America should be modeled after that of Glasgow, Scotland.
31. The United States should permanently retain the Philippine Islands.

## ECONOMICS AND SOCIOLOGY

32. The President of the United States, by and with the advice and consent of the Senate, should conclude reciprocity tariff treaties with foreign countries, along lines prescribed by Congress.
33. The United States should exclude all immigrants who cannot read and write in some language.
34. Government in the United States should create

commissions with power of compulsory arbitration of disputes between employers and organized labor.

35. The adjudication of disputes arising between capital and labor should be made a part of our administration of justice. *Granted*: (1) that labor unions may be forced to incorporate, if necessary, and (2), that courts of suitable rules of procedure be created, if desirable.

36. The taxation of the intangible assets of private corporations is desirable and practicable.

37. The United States Government should assume control of the anthracite coal-mines.

38. The National Government should co-operate with the various States, or civil subdivisions thereof, in the permanent improvement of public highways.

39. Consumers generally should organize to protect themselves against the exactions of labor unions and trusts.

40. Labor unions do not subserve the best interests of laboring men.

41. Members of labor unions are justified in resorting to the strike for preventing the employment of non-union laborers.

42. Interference with strikes by judicial injunction is a menace to the liberties of the working classes.

43. Trusts should be suppressed.

44. The cities of the United States should own and operate their street-railway systems.

45. Each of the several States should have a civil-service law providing for the selection, by competitive examination, of all appointive officers other than heads of departments.

46. The time has now arrived when the policy of levying a purely protective tariff should be abandoned by the United States.

47. Subsidies should be paid for the development of the American merchant marine.

48. The Monroe Doctrine should no longer be maintained by the United States.

49. The United States and the several States should have an inheritance tax.

50. The several States should establish minimum-wage schedules for unskilled laborers.

51. The several States should adopt a system of old-age pensions.

52. The aims and principles of socialism are justifiable.

53. The single-tax system should be generally adopted.

54. The New Zealand system of taxation of real estate should be adopted in the United States.

55. The products of the Philippine Islands should be admitted to the United States free of duty.

56. The Norwegian system of liquor-selling should be adopted in the United States.

57. The New York system of high license combined with local option is the most practicable method of dealing with the liquor problem.

58. The State dispensary system offers a better solution of the liquor problem than State prohibition.

59. The prohibition of the liquor traffic is preferable to any system of license, wherever public opinion sanctions the passage of such a law.

60. From a purely economic point of view, the liquor traffic is a source of profit to the United States Government.

61. The traffic in liquor should be prohibited by an amendment to the Federal Constitution.

62. Eight hours should be the standard time for a day's work.

63. Each of the several States should establish and

maintain an institution similar to the George Junior Republic.

64. Large cities should have women as well as men on their police force.

#### EDUCATION

65. Women should be admitted to all American universities on equal terms with men.

66. Excepting English, the fully elective system of studies should be introduced into all American universities.

67. Compulsory manual training should be introduced into all grammar and high school curriculums.

68. Separate high schools should be established for boys and for girls.

69. The rules of the Simplified Spelling Board should be generally adopted.

70. A city is the best location for a college.

71. The college course leading to the degree of Bachelor of Arts should be reduced to three years.

72. Commercial courses of study should be incorporated in all college and high school curriculums.

73. The honor system should prevail in all high school and college examinations.

74. The education of the American negro should be industrial rather than liberal.

75. No study should be prescribed in a college curriculum primarily because of its value as a means of mental discipline.

76. Is the study of Greek and Latin essential to a liberal education?

77. The German university methods should be adopted in the United States.

78. Military tactics should be taught in the public schools.

79. Football should not be encouraged by those having charge of educational institutions.

80. "Association" football is preferable to the Rugby game.

81. Freshmen should be excluded from all university athletic teams.

82. Freshmen should not be received into college fraternities

83. College and high school fraternities and sororities are more harmful than beneficial.

84. At high school graduation exercises there should be no speaking by members of the graduating class.

85. Each of the States should have a compulsory education law.

86. This State has not an efficient system of public schools.

87. Each of the cities and villages in this State should have and enforce a curfew ordinance.

88. The curriculum of every high school should include courses in public speaking.

89. Literary society work should be required of all students in this school.

#### LAW

90. Congress should have the exclusive right of legislation regarding marriage and divorce in the United States.

91. In the Hayne-Webster debate, so far as it related to the origin and meaning of the United States Constitution, Hayne had the better argument.

92. An easier method of amending the United States Constitution should be adopted.

93. Life imprisonment, with a restricted power of pardon by the executive, should be substituted for capital punishment.

94. Circumstantial evidence should be sufficient to convict a saloon-keeper of violation of the excise laws.

95. A lawyer is not justified in defending a man whom he knows to be guilty.

96. The penal statutes in this country should be so revised that the reform of the criminal is the sole object.

97. Expert testimony in criminal procedure should be abolished.

98. The grand-jury system should be abolished.

99. A married woman should have the sole control of her separate property.

100. In criminal actions three-fourths of a jury should be competent to render a verdict.

101. Any person aiding or abetting in mob violence amounting to a crime if committed by an individual, should be criminally prosecuted; and to that end, protection should be furnished by State or Federal troops, whenever necessary.

102. In every case of alleged crime wherein the penalty is capital punishment or life imprisonment, the nearest judge in any court of record should have power to immediately summon a grand jury to investigate and a petit jury to try; and no appeal should lie from the verdict except on the certificate of the trial judge of probable cause for appeal.

103. A member of Congress or of a State Legislature should not serve in any manner as agent or attorney for a public-service corporation.

104. Excepting for deliberate and intentional self-injury, an employer should be held unconditionally liable for accidents to his employees.

105. The Pennypacker Anti-libel law of Pennsylvania is an unjustifiable infringement upon the freedom of the press.



106. The Torrens land-title system should be generally adopted.

107. The decision of the Supreme Court in the case of *Marbury vs. Madison* (1 Cranch, 137) is not well founded.

108. The facts did not justify the decision reached in the case of *Munn vs. Illinois* (94 U. S., 113).

#### HISTORY AND CURRENT EVENTS

109. The Norsemen discovered America.

110. In our war with Mexico, the United States was an unjustifiable aggressor.

111. The Spanish-American War was unnecessary and unjustifiable.

112. England's aggressions in Africa were justifiable.

113. The French Revolution was justifiable.

114. Napoleon III. was personally responsible for the Franco-Prussian War.

115. Richard III. was a worse monarch than Charles II.

116. Henry VIII. was not justified in suppressing the monasteries.

117. The English system of government is preferable to that of the United States.

118. Switzerland has a better form of government than the United States.

119. The imprisonment of Napoleon at St. Helena was justifiable.

120. Was the execution of Major André justifiable?

121. Did Aaron Burr aim at an independent empire?

122. Lincoln's plan of reconstruction was preferable to the Congressional plan.

123. The Fifteenth Amendment to the United States Constitution should be repealed.

124. Webster was justified in his attitude toward the Clay Compromise.

125. John Brown's raid did more harm than good.

126. The English parliamentary system should be applied to the government of the States.

127. The taxation of the English colonies in America, which led to the Revolution, was in accordance with the British constitution.

128. President Tyler's veto of the National Bank bill was in accordance with sound public policy.

129. President Jackson's theory, that the executive is constitutionally independent of the other two departments of government, is correct.

130. The administration of Andrew Jackson did more harm than good to this country.

131. Queen Elizabeth was a worse woman than Mary Queen of Scots.

132. Slavery caused the annexation of Texas to the United States.

133. Should Christian Scientists be licensed as medical practitioners?

134. In the first joint debate of the Lincoln-Douglas series, Lincoln had the better argument.

135. The methods used by Mrs. Carrie Nation, in her anti-saloon crusade in Kansas, were justified.

136. Mr. Bryan's idea, that the ownership of trunk-line railways by the United States Government will ultimately prove desirable, is correct.

137. The school authorities of San Francisco were justified in segregating Japanese pupils.

138. The State of California is justified in her stand against land ownership by aliens.

139. The time has now arrived when a national Prohibition party should be organized and vigorously supported.

140. The growing indifference to church-going in the United States is a mark of social retrogression.

141. The advertisement of patent medicines should be prohibited by law.

142. In the great European war, the invasion of Belgium by Germany was justifiable.

143. In place of competitive armaments for national defense, the United States should stand for collective armaments for international defense against future wars.

144. The United States should refuse to go to war for any cause whatsoever without first referring disputes with foreign nations to some international tribunal.

145. ————— was most largely responsible for the great European war.

146. The United States Government should establish a monopoly in the manufacture and sale of firearms, ammunition, and munitions of war.

147. A declaration of war should be made only by popular vote.

## II

### SPECIMEN DEBATE ON PREPAREDNESS

UNIVERSITY OF TEXAS VERSUS UNIVERSITY OF MISSOURI

QUESTION: "*Resolved, That there should be a material increase in the armament of the United States over that existing or provided for on August 1, 1915. (By armament is meant matters of defense, both military and naval.)*"

#### FIRST AFFIRMATIVE

CARL B. CALLOWAY, TEXAS

It has been my pleasure during my lifetime to be personally and intimately acquainted with three dogs. The first of these was a little rat terrier with a stiff tail and a limber backbone. That little fellow was wholly unable to protect himself and his life was one long succession of fighting. The second was a powerful bulldog, amply prepared to defend himself, but coupled with his "preparedness" he had an aggressive, domineering attitude. He tried to "lord it over" all his dog neighbors, and his life, too, was a long succession of fighting. And then I knew a third dog, a magnificent mastiff, as well prepared to defend himself as the bulldog, but without the aggressive, domineering attitude. He demanded that his rights be respected just as he was willing to respect the rights of all his canine friends. And that dog lived his life without fighting, and "at last sank to sleep with all his institutions intact and his personal and property rights thoroughly respected."

This is as true of nations as it is of dogs. That nation that is unable to protect itself is the victim of all great nations who are able to protect themselves. China, poor old China, the football of all the other nations for the past two hundred years, is a living example of this rule. "Whenever any nation is seized with a sudden and unaccountable liking for a certain Chinese port it takes that port. But who ever heard of any nation taking a port in Germany or in England?" What policy do you choose for your country? The defenseless rat-terrier policy? We of the Affirmative would not. Now we do not ask that America adopt the aggressive, domineering, bulldog type of preparedness. But we do ask that she adopt the mastiff policy, that she place herself in a position to demand and enforce respect of her rights, just as she respects the rights of others. In short, we advocate adequate armament for defense and not for aggression. That is the policy that we of the Affirmative would choose. Gentlemen of the Negative, what policy do you choose?

But some might ask, "Why is there a need for any military policy?" Simply for the reason that as long as both right and wrong exist in the world there will be an inevitable conflict between them, and the progress and triumph of right can only be assured so long as those who sustain the right are stronger than those who assert the wrong. Upon this fundamental proposition is based all government. In the early days each individual man, acting as his own separate government, enforced his rights by the strength of his good right arm. Then men came together into tribes, and tribes into nations, while nations separated into States, counties, and cities. And each tribe and each nation was and is compelled to rely upon force to protect its rights, while each State and even each city must rely upon force to protect the

rights of one citizen from invasion by others. Now if it is true that police power and other avenues of force must be maintained to protect one neighbor from another neighbor, how much more true it is in the case of nation against nation, where two different races, with different ideals and different ambitions, are daily placed in situations where the interests and policies of one conflict with the instincts and policies of the other? In such cases right cannot prevail over wrong if right has not sufficient power to enforce its doctrines.

But we of the Affirmative are anxious to give the gentlemen from Missouri the benefit of every doubt to-night. So for the sake of argument we will now indulge in the violent assumption that the time has been reached when wrong has absolutely vanished from the world; that men will now support the right even when it is to their interest to uphold the wrong. But even if this assumption were true, we would still have the need of an adequate armament. Why? Simply because we find that time after time nations differ in their conceptions of what is right and what is wrong. Probably they honestly differ, probably they sincerely differ, but the point is they *do* differ, just as in 1860 the North and South differed so unalterably that our lamentable Civil War was the result. When such disputes as these arise between nations we have an international controversy. Do you believe that this country will never again become involved in such controversies? Do you believe that our dispute with Germany, which each time it appears to be settled suddenly arises, having assumed greater proportions, do you believe that our controversy with Great Britain or our difficulty with Austria—do you believe that all these will disappear even as I am speaking to you and that this country will never again become involved in such controversies? Now notice, I do not claim that these

controversies will necessarily lead to trouble. My point is simply this—that since we have always had such disputes, that since we now have them, it is only reasonable to believe that we shall have them in the future. Now, if we are to experience such controversies in the future, it is evident that in some way or other they must be settled. How will they be settled? That is the question. In some of them arbitration may solve the difficulty, but in some of them arbitration will fail, and when it and all else has failed to produce a settlement, force will be the final arbiter. Do you believe that arbitration could have solved the controversy between the North and South in 1860? Do you believe that arbitration could have settled the dispute now being fought out on the battle-fields of Europe? If not, if in the one instance arbitration failed to solve a controversy in this, the enlightened twentieth century, if in the second instance it failed to settle a dispute between brother and brother, what assurance have we that it will settle all controversies in the future? Why, even The Hague conferences themselves have always admitted that arbitration cannot be relied upon in questions involving the national honor, the national existence, or even the vital interests of a country. And history is the best authority we have on this point, for we find that in the past force has been used to settle innumerable international controversies, either by being applied indirectly, by a mere display of force, or by being applied directly, by actually using force.

As an example of the indirect application of force, I refer you to the conduct of the French in 1863. Realizing that the United States was at that time involved in a great Civil War and unable to pay attention to the actions of other nations, Napoleon III. sent troops into Mexico in direct violation of the Monroe Doctrine.

But at the end of that war we had, according to military experts, the most formidable army of our whole history. What did we do? Go into Mexico and literally whip the French from that country? No, that was not necessary. We merely intimated to Napoleon that probably the Mexican climate would not prove beneficial to the health of his soldiers, and the French got out of Mexico, because they realized that if they didn't get out we could put them out. Just one instance where a mere display of force settled an international controversy without a single shot being fired.

Again, in the Russo-Japanese War Russia placed an embargo on cotton which hurt the commerce of the English colonies. England demanded that it be removed, and at first Russia refused. Both believed they were right, but England had back of her contentions the most powerful navy in the world, and Russia was finally forced to stifle her own belief and submit to the convictions of Great Britain. Then in 1915 England found it to her advantage to place an embargo on cotton. This hurt the commerce of our Southern States, and Uncle Sam wished it removed. He believed he was right, but England, in the mean time, had changed her ideas of whether or not cotton embargoes were justifiable. She refused to remove the embargo, and she was able to do so because she still had the most powerful navy in the world. In these two instances, by a mere display of force, without firing a single shot, England was at one time able to lift an embargo, while at the other she was able to place one. Now it is unnecessary that I show that force is sometimes used directly to settle international disputes, for each of the innumerable wars of history is striking proof of this fact.

We have had such controversies in the past, and in them force has been the final arbiter. Bear with me a



few moments while I prove to you that, although we have been finally successful in all our past wars, this success has been attended with a tremendous amount of unnecessary cost. In the War of 1812 we sent 527,000 men against 55,000 trained British soldiers, and it took us three years to whip them. It took two years for 104,000 Americans to whip 46,000 Mexicans, and in the Spanish War we sent 300,000 men against 200,000 Spaniards. Now I cannot expect you to remember all these figures, but I do ask you to remember this, that because in the past we have been unprepared, because we have not had adequate force, it has taken three men to whip every enemy sent against us and it has taken us fourteen years to do it. Now figure the amount of money spent in those wars, over \$6,000,000,000; figure the amount already spent in pensions, over \$4,000,000,000, which does not include the amount that is yet to be spent, figure the amount that was spent unnecessarily; figure the extra number of men needed, the extra number killed, and the years of unnecessary war, all as a result of being unprepared, of sending raw recruits into battle instead of trained, experienced soldiers. Figure all this and you will find that because of our unpreparedness in the past we have suffered eight years of unnecessary war and lost \$7,000,000,000 in money unnecessarily, not to mention the number of lives uselessly sacrificed. What an indictment against the policy that the gentlemen of the Negative must uphold this evening! But there is another thing to consider in this connection. We have in the past been finally successful in all our wars, because we could take the farmer from the furrow, the business man from the office, make soldiers of them, and greatly outnumber our enemies. Why were we able to do this? Because the farmer and the business man knew how to handle a

musket, and muskets were then the implements of warfare. But now fighting is a scientific business. The farmer and the business man cannot handle machine-guns and heavy artillery. They cannot make calculations for shots when the intended target is far beyond their limited vision. The crown of victory now rests with the trained, experienced army. If the gentlemen of the Negative do not believe this, ask them to explain to you how a possible strength of 14,000,000 Germans and Austrians is holding at bay the combined possible strength of over 40,000,000 Allies, backed by the resources of half the world. No, to-day there is no place for the untrained, inefficient army, and the war in Europe bears mute testimony to that fact.

Yes, we have had controversies in the past, and we have still greater reason to fear them in the future. Why? Because the United States has become a great world power. We have the responsibility of upholding the Monroe Doctrine, and Major-General Wood says, in a personal letter to my colleague and myself, that we have not sufficient force to insure its protection. We must protect Hawaii, the Philippines, Guam, Porto Rico, Alaska, Cuba, and the Panama Canal Zone. Military authorities tell us that these places are not securely fortified, while General Crozier especially tells us that the fortifications at Panama are woefully inadequate for the protection of the Zone. But that is not the most important thing. In the past years we have become the principal interpreters and enforcers of international law. It is America who guarantees the freedom of the seas. It is America who in the future must take a firm stand against any nation that violates international law. With international anarchy, now cropping out on every corner, who would dare prophesy the trend of future events?

Before leaving the floor, I desire to ask the gentlemen of the Negative three questions. We of the Affirmative believe that these questions strike at the very foundation of this debate. We believe that if they are answered the Negative and Affirmative will be enabled to reach some common ground and fight out this proposition on fundamental principles. I leave the questions here on this table and sincerely request the gentlemen from Missouri to answer them in their next speech. These are the questions: (1) Do you believe that our country will in the future become involved in controversies with other nations? (2) If so, do you believe that in the settlement of these controversies, after all else has failed, force will be the final arbiter? (3) Do you favor no armament at all, do you favor an inadequate armament, or do you favor an adequate armament?

#### FIRST NEGATIVE

P. C. SPRINKLE, MISSOURI

The first speaker considered for some time the possibilities of war. The Negative is not concerned with such broad visionary possibilities, but first with the ever-existing present and our ability to handle any difficulty which may arise. The Affirmative then went on to consider our present fighting equipment, and there my argument commences. I intend to show that with our present equipment we can handle any international difficulty that may arise.

In proving that we can cope with any war that we are likely to become involved in, it seems best to consider our fighting strength in comparison with any possible enemy. The first possible menace and also the one nearest home is Mexico on the south. War has been waged in that unfortunate country for a century and

from present prospects it may continue for a longer period in the future. In Mexico dwell many American citizens who with their capital exert a well-known influence in the affairs of that republic. With such facts ever present, war is not an impossibility. Any war which may come must necessarily be one between land troops, as Mexico has no navy to send against our fleet. From the latest army report and the speeches in Congress, we know our army has an authorized strength of over 107,000 men and officers. But the enlisted number falls short of this at least 10,000. However, under the statement of the question the Negative is perfectly justified in discussing this question from the number which have been provided for. But of the total provided for only some 60,000 are stationed in the United States, and not all of these troops are mobile. From the war report we see that over 30,000 are a mobile force, and to increase this to the amount provided for we have a strong 40,000 mobile army to place in the field at once. This alone should overcome the poorly equipped, poorly trained, half-hearted soldiers of Mexico.

But we have only begun. Let us turn to the next division of our land fighting equipment. The latest army report states the number of men and officers enlisted in our militia to be 127,410. These figures are substantiated by a recent letter of Secretary Baker. But not for one moment would the Negative contend this entire number is available. The Chief of Staff in his latest report states that only 80 per cent. of this total attends annual inspection, and that only 66 per cent. of this total drills the required number of drill periods. So, after making these proper deductions, we have 85,000 available men to call upon from this portion of our military establishment. Adding to this our previous mobile army, we have a force of 125,000 men. In the face of

this, no one can contend that our army is not adequate to handle any difficulty to the south.

Having considered our mobile forces, it is next proper to go deeper into the question and consider our reserve equipment. Since 1900 we see from the annual war reports that over 300,000 men have been honorably discharged from our army. Secretary Baker in making a similar estimate stated that only 2 per cent. of this number had died, and General Bliss of the United States Army in his estimate allowed only 1 per cent. for deaths. But, wishing to be entirely fair in our estimates, the Negative is willing to divide its total by two and in that way allow for those who have died or who from disabilities could not now serve. This then leaves 150,000 trained regulars who are available as a reserve fighting basis.

But this does not complete our reserve. From a book published in 1914 by Capt. Ira L. Reeves of the United States Army, entitled, *Military Education in the United States*, we see that in the school year 1913-14 there were enrolled in ninety-eight of the best military schools of this country over 32,000 students. This number is substantiated by Congressman Hay of Virginia in his estimates before Congress. So, by making a similar estimate, as we did, as to the honorably discharged regulars from our army, we have a total of over 500,000 men. Again, as before, dividing this total by two so as to arrive at a perfectly fair result, we have over 250,000 military men from this source who are available as a reserve equipment.

As a final consideration let us look at our total land equipment. From our standing army and from our militia we have 125,000 men to constitute a mobile force. As a reserve, we have 150,000 trained regulars and over 250,000 men trained in the best military schools of this

country. So, for a grand total for men available at this minute as a mobile force and as a reserve, we have 525,000 men. To entirely allay any doubts as to my estimates, I wish to state that Congressman Hay in his estimate concedes there are over 1,300,000 available military trained men. Secretary Baker estimates there are over 1,200,000 and General Bliss places the total close to a million and a half.

So, in the face of my conservative estimate, which indeed constitutes a magnificent fighting equipment, will the Affirmative have the heart to contend that we are now weak and unable to take care of ourselves? It would be an utter lack of judgment, a financial expenditure based upon childish fancies, a desire to acquire a fighting equipment the purpose of which could only be to win a place in the sun, to materially increase this division of our military establishment.

Having rubbed from the slate of war possibilities with this warring nation across the Rio Grande, let us turn our eyes westward. There we see a nation which in the last decade has stepped from the second-class powers to the front. We see Japan the victor over Russia and a participant in the present great struggle. So for the moment imagine us in the war with the only first-class power of the East, and what its natural result will be. Any war with Japan must necessarily be a naval war due to the geographical position of Japan and the United States. There are two possibilities: Japan will either attempt to seize the Philippine Islands, which would make it necessary for us to make an aggressive move, or Japan will attempt an aggressive move across the Pacific.

Should Japan attempt a move on the Philippines, Manila, the objective point, must be taken first. But from the latest report made by the Chief of Engineers

of the War Department, we see that this country has spent five times as much money fortifying Manila and Subig bays as she has upon any of the twenty-eight fortifications in this country. The Chief of Ordnance reports for the same year that these fortifications are mounted with 14-inch guns, which are the equal of those carried by the strongest and largest Japanese battleship. The true significance of the strength of these fortifications is illustrated when it is known that experts state that New York has the best fortified harbor in the world. Government secrecy prevents primary facts, but to show that the Manila fortifications are complete we see that the estimates for the years 1915-16 and 1916-17 for necessary funds are very small compared with prior appropriations. Thus we see that the necessary cost of maintenance is all that is now asked for. So, with these fortifications to hold off the Japanese navy until our navy can reach that point, the next thing is to see if our navy is strong enough to continue and finish the conflict.

In considering the relative strength of these two navies it must be borne in mind that ships do not operate singly, but in squadrons. So to make out the strongest case, I am placing all the Japanese ships of the first class in a squadron, and so on down the list of vessels. Under present conditions with the powers in conflict there is no reason why we could not send our entire navy to the Philippines to aid this supposed attack upon Manila. From the last available volume of the *Senate Documents*, we see that the United States has eleven dreadnaughts and five building. Six of these are armed with 12-inch guns and five of them with 14-inch guns. To attack this squadron of eleven, Japan has three dreadnaughts, with four battle cruisers to aid them. The battle cruisers are faster than our dreadnaughts,

but not better armed. Speed must be accompanied with guns to make a superior fighting-machine. Thus we see that Japan has five vessels with 14-inch guns and two with 12-inch guns. It might be stated these cruisers make a squadron by themselves, but I place the dreadnaughts with them so as to make the strongest possible case. So upon the most favorable estimate for Japan, we have her outnumbered by four dreadnaughts. Next, we have twenty-four predreadnaughts to throw against Japan's thirteen, which are not armed with guns equal to ours. Sixteen of our twenty-four predreadnaughts have 12-inch guns and eight have 13-inch guns. Two of the Japanese predreadnaughts have 10-inch guns and eleven have 12-inch guns. As to this squadron, we have a margin of eleven ships all equally or better armed. We have forty-five cruisers to send against twenty-seven of Japan. We have sixty-four torpedo-boat destroyers, with nine building, against fifty-four of Japan. We have sixty-six submarines, with thirty building, against thirteen of Japan. So, with a margin of four dreadnaughts, eleven predreadnaughts, eighteen cruisers, ten torpedo-boat destroyers, and fifty-three submarines, I ask the Affirmative if this is not a safe margin? This margin alone constitutes a fleet which could overcome the entire naval fighting equipment of Russia, Italy, or Austria. In the face of these figures, can the Affirmative reasonably ask or consistently contend that we need a material increase?

But for the moment let us consider the possibility of Japan making an aggressive move directly upon the United States. Six thousand miles of water separate us from Japan. No squadron of ships can operate this enormous distance, so a base closer to our shores is necessary. Japan has no naval bases in the Pacific, so one must be taken, and it must be one with the neces-



sary supplies for that purpose. Where is this? The Hawaiian Islands. But from the last report by the Chief Engineer, we see that our Government has spent twice as much there for fortifications as it has upon any fortification in this country. In an estimate similar to that for the Manila fortifications, we find that but a small amount compared with prior appropriations was asked for. Thus again we are led to conclude that these islands are equipped with complete fortifications, and that maintenance is now all that is required. So here Japan must halt to attack, giving our fleet time to go to the rescue. Then with a fleet with a margin sufficient to cope with any of the three first-class powers mentioned, we could easily repel this imaginary move. Again, the Negative submits the question, Shall we have a material increase? To do so certainly can serve no useful purpose unless we intend to change our policy of safe margin to that of foolhardy expenditure which can only benefit the naval industries of this country.

Having eliminated Mexico as a war possibility and having seen that a war with Japan must necessarily mean quick and bitter defeat for this Eastern nation, let us turn our attention to Europe. For some time past we have had strained diplomatic relations with Germany. Each crisis has been wisely met by our President, but should necessity arise for a conflict with Germany, are we now prepared? Due to the death-grip contest now being waged in Europe, it would be foolish to consider Germany making an aggressive move on this country. Any difficulty leading us to war must result in our becoming allied with the opponents of Germany. That then leaves us to consider this one proposition, and that is, Can we prepare for that struggle?

As a present equipment the Chief of Ordnance reports we now have on hand equipment to place in the field a

reserve army of from 400,000 to 500,000 men. There are over 1,000,000 rifles on hand, and over 200,000,000 rounds of small-arms ammunition. There are also built or being built over 2,000 machine and field guns.

After considering what we now have on hand, the next question is, Are our industries now efficient for supplying us in case of war with Germany? A recent issue of *The Independent* estimates that we have so far furnished from a billion to a billion and a half dollars' worth of war material to Europe. Recent orders for ammunition alone amount to \$250,000,000. The *American Magazine* in an article for this year states that the Curtis plant alone can turn out seven war aeroplanes a day. These statements go to show the wonderful industrial resources in this country. The Affirmative can never successfully argue that we are unprepared industrially.

To briefly sum up: I have established, first, that with Mexico as the most probable source of war near at home, we now have in this country 125,000 mobile troops which can be directed upon that already war-ridden and war-weakened republic. Next, we turned to the far East and fought an imaginary war with Japan. Once more we were victorious, due to the safe margin of our naval equipment. Finally, we faced about to the greatest struggle of history and considered our most formidable possible enemy. Here, in addition to our provided-for equipment, was only to be considered the question of preparation should war be declared; and we find industries equaled by no other country. We have industries capable of supplying three of the warring nations to-day, and with a capacity of even greater production. So permit me to leave this thought with you. If at the present time our fighting equipment is sufficient to meet any possible present danger, is it wise, is it justifiable,

is it good business to make a material increase? I have considered this question from the present only. My colleague will complete the argument by meeting any possible war in the future.

## SECOND AFFIRMATIVE

JEROME K. CROSSMAN, TEXAS

Before my colleague left the floor he asked the opposition three questions. These questions remain unanswered from any Affirmative action by the gentleman from Missouri, so I will answer them as they undoubtedly would, judging from their first speaker's remarks. I trust that I will do the gentleman no injustice.

The first question asked was, Do you believe that the United States will ever again be involved in an international controversy? The second question was, Do you believe, when all other methods have failed to produce a settlement of such controversies, that force will be the final arbiter? The Negative has answered both of these questions affirmatively by attempting to prove our present force adequate. If international controversies were not probable, if force was not in some instances to be the final arbiter, there would be no need for any force, much less a discussion as to the adequacy of our present equipment on land and sea. The third question asked was, Do you favor no armament at all, an inadequate armament, or an adequate armament? And the gentleman answered by taking up his whole speech in an endeavor to prove our present potential force adequate; thus we see that the Affirmative and Negative agree on this proposition. We both want an adequate armament. There is then but one issue before us from now on in this discussion to-night, Is the armament obtained or provided for on August 1, 1915, ade-

quate? Whatever be the cost, whatever the effects, we both agree that our need is an adequate force. We thus impress this proposition in order that the Negative may hold fast to this issue, which they have conceded by their first speakers remarks to be the one controlling factor. Not, Will an increase lead to militarism? Not, Is war probable? Not, What will be the cost or how will the money be raised? Not these nor aught else but adequacy!

The Affirmative does not desire to place our armament upon a war basis. We want it only upon a peace basis, but upon such a one as is consonant with our duties and responsibilities; upon such a peace basis that with the least amount of time and expense it can be placed upon a war basis should the necessity arise. In considering this question of adequacy we urge that you keep in mind this fundamental proposition, that an army and navy cannot be built in a day; that the building of an efficient fighting strength, under modern conditions, is the work of years.

I submit the proposition, first, that a material increase is imperative to-day to place our armament upon a peace basis. Second, it is axiomatic, if our army and navy are not even upon a strictly peace basis they are not upon such a basis as is consonant with our duties and responsibilities; these cannot be placed upon a fighting standard should the necessity arise. Let me here pause for a moment and ask, What do we mean by a peace basis? For our navy, for example, we must have in time of peace a sufficient number of ships for patrolling duties; we must have sufficient auxiliaries. Admiral Fletcher and Admiral Blue have stated that our present number of ships must be manned to about 15,000 men short of a war basis. For our army we need troops to garrison our foreign possessions; to patrol our Mexican border; to aid State authorities, if necessary, and for many

other peace purposes. Our coast defenses should be manned to at least one-half their war strength. This briefly explains what I mean when I say a peace basis.

Had you ever stopped to contemplate the enormous extent of coast that our navy must patrol, from the Canal to Alaska, from the Canal to the northern coast of Maine? Over 21,000 miles of seacoast must that navy defend and patrol. Yet that navy to-day, with its present number of ships, is not even upon a peace basis. Admiral Badger and Assistant Secretary of the Navy Roosevelt testified before the House Naval Committee that an increase of 18,000 men is needed in the navy. For war? No! for peace purposes, to efficiently man the ships already built. Admirals Blue and Fletcher before the same committee testified likewise. That is a material increase, an increase needed to man our present number of ships. Gentlemen of the Negative, you have stated that you favor our present number of ships. A ship unmanned is useless; a ship insufficiently manned is to that extent useless. Assuredly, friends of the Negative, you would have the ships already constructed, and which you have so eloquently pleaded for and defended, properly manned. To be consistent, therefore, you must favor this material increase of 18,000 men in the personnel of the navy.

Next we come to our coast fortifications. We have to-day in the United States thirty-nine forts totally unmanned, yet the opposition calls this adequacy. It was the weakness of Chesapeake Bay that in 1814 caused our national Capitol to be burned to the ground, and that weakness still exists. At Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, and Jacksonville, 75 per cent. of the men have been taken from the coast defenses for service in our territorial possessions and elsewhere. We must rob one nest to build another,

and both are needed for adequate self-defense. We have to-day only 170 companies of coast artillery. This is 93 companies short of enough to man one-half our guns. There are needed to-day, says our Secretary of War, between 5,000 and 10,000 men to man the fortifications already built. To place them upon a war basis? No, to place those that we have upon a strictly peace basis. Gentlemen of the Negative, you have stated that you favor our present forts. I submit to you that to be consistent you must agree that they be manned, and thus must agree to a material increase, which is absolutely necessary if they are to be manned.

Let us now consider our second line of defense, the army. What is the duty of that army? It is needed in Porto Rico, in Hawaii, in the Philippines, and in regions bordering the Indian tribes. We need it for policing purposes in continental United States; to aid the State authorities, if necessary. And to-day we have an army of 100,000 men. We have a mobile army of 30,000 men. Think of it. We cannot to-day mobilize a number equal to one European army corps; and they have thousands of such corps in Europe. Yet the Negative calls this an adequate force. President Wilson stated on his Western tour that the United States did not have sufficient number of troops to patrol the Mexican border, and subsequent events have amply verified his statement. I have here a letter from Major-General Wood stating that our present force is inadequate for even policing duties. Thirty thousand mobile troops in all continental United States for the protection of 100,000,000 of people. Yet the Negative tells you that we have sufficient troops for all purposes. Why, friends, think of the invasion of Columbus, New Mexico, only a few days ago, by that bandit Villa. Let the gentlemen explain that occurrence and let them further explain if

we have this great reserve and great number of trained men from military schools and W. O. W. camps, of which the first gentleman spoke in such glowing terms, why Congress was forced to pass a law providing for an increase of 20,000 men. Gentlemen of the Negative, you must prove this action taken by our national Congress unjustifiable, for a material increase in the army has already been provided for, over that obtained or provided for on August 1, 1915, by this action of Congress. I submit that our present armament is not upon even a peace basis; over 18,000 men needed in the navy for the present number of ships, over 75 per cent. of the men from our coast defenses removed to other points because there was no other place from which to get them, a pitiful mobile army of 30,000, not even enough for patrolling the Mexican border. Yet the Negative has attempted to prove such a force an adequate one for our protection. The Affirmative might well rest its case here. We have proved a material increase justifiable for peace purposes alone. But in order to show the absurdity of the Negative's position, we will go further and consider our armament in comparison with that of other nations. We submit, therefore, in the second place, that it is axiomatic, if our present armament is not even upon a peace basis, it is not upon such a basis that it can be placed upon a war basis should the necessity arise.

Admiral Fisk has stated: "The naval policy of the United States must be admitted to have lagged behind that of almost every nation. It will take five years for the United States to be placed upon a footing that she could meet an efficient enemy." What is the strength of our navy compared to that of other first-class powers? England has built and is building 46 capital ships; Germany, 28; and the United States, 15. Captain

McKean of the Naval Corps last month before the House Naval Committee stated that, according to information in the hands of the Navy Department, our navy is to-day one-half that of the Teutons and only one-fourth that of Great Britain. We have to-day but three scouting cruisers. "Our navy," says Admiral Fletcher, "is blind." The Negative speaker who preceded me stated that we have 66 submarines and 30 in process of being built. He did not tell you that we have but 12 submarines on the whole Atlantic coast, and that in the recent manoeuvres, according to Captain Stirling, only one of these was able to dive. No, the gentleman did not tell you that we have but one submarine to protect 3,000 miles of coast-line. The gentleman from Missouri again failed to tell you that we have not a single battle cruiser; that our navy to-day ranks fourth and is rapidly deteriorating to a point where it will soon rank sixth, if the present programs are continued. The speaker of the Negative gave you a long comparison of our armament with that of Japan and there he stopped. The gentleman did not compare our navy with that of Germany, of England, of France. He did not tell you, moreover, that we have but 7,000 troops to defend the Philippine Islands. He did not tell you that it has been recommended by the Chief of Staff that the garrisons at Hawaii and on the Philippine Islands be doubled. And the gentleman says of Germany, "She is engaged in a great war and cannot trouble us." What a defense! And what of the future? An army and navy cannot be built in a day. But the gentleman presumably met this point when he spoke of our great resources, of how much ammunition we are sending the Allies, of how much food they are receiving from us. But the gentleman failed to state how many trained men we could send, how many efficient battle-ships we



could supply them with. The gentleman failed to distinguish between military resources and military strength. What matters how much ammunition we have if we have but 704 field-guns and need over 2,000? What matters how much foodstuffs we send across the ocean, if we cannot compete with a nation upon the sea in real fighting equipment? Soon would our enemy sink our few ships and come to take the foodstuffs for himself. I submit to you, is such a force on sea as we maintain an adequate one? A navy one-half that of the Teutons, one-fourth that of England, to be passed in 1920 by even Austria and Italy, if our present respective programs continue? Such a navy can never maintain our position in the world as a world power, which we have been since the Spanish-American War; such a navy can never uphold the Monroe Doctrine; defend the neutrality of the Canal; protect the integrity of China; shield and defend our own country, our own homes and firesides.

Let us turn again to our coast fortifications. On August 1, 1915, there was not a 14-inch gun on our whole coast-line. Yet the foreign battle-ships carry 16-inch guns. In a word, these ships could stand out ten miles, almost two miles beyond the range of our coast-defense guns, and pound our coast fortifications to pieces. Still the Negative speaker who preceded me stated that with such guns we can defend ourselves. Is such a statement consonant with reason? Generals Scott, Weaver, Crozier, Goethals, and Edwards appeared before the House Committee and pleaded for more adequate coast defenses at Panama. Will we forever sleep with these vital facts staring us in the face urging us to action?

The gentleman from Missouri has told you of our magnificent army. It is magnificent for its size. Man for man, the American soldier is the best in the world,

but 30,000 of these men as a mobile force is not enough of those good men. We do not want a large standing army. Such would not be consonant with the ideals of the American people, and they would never submit to such. But we need a material increase over that existing to-day. The gentleman from Missouri told you that we could cope with Mexico to-day. Remember that he did not explain the Columbus incident, nor President Wilson's statement that he did not have enough troops to properly patrol the border; but let us waive this for the moment. We have to-day in all continental United States but *4,000 mobile troops*, aside from those in Mexico and on the border. I ask you in all fairness to consider this proposition: Suppose that, instead of having to chase that lone bandit and his few followers, we were to be confronted with a first-class army of say 250,000 men. Look five years into the future. See the Mexican problem still with us, and therefore 4,000 mobile troops or less to meet another probable foe, or draw the picture even with a vision of our total 30,000 mobile troops available. Why, friends, even the Mexican field-guns are larger than those of the United States, according to Senator Smoot. It took us almost a week to mobilize a few thousand men to chase that bandit. How long, I ask, would it take us to mobilize that which we have not, a trained army to meet an efficient army of a first-class power?

I ask that you remember that my colleague proved to you: (1) that although we have been finally successful in our past wars, the success was attained only at a needless and tremendous loss of lives and money; (2) that the obligations and policies of America call for a material increase in our army and navy. He further proved to you (3) that we will have international controversies in the future, as we have had in the past, and

(4) that in some of these controversies, when all else has failed to produce a settlement, force will be the final arbiter. Remember, finally, that there is but one issue in this debate from now on—the issue of adequacy. With regard to adequacy, the Affirmative has proved (1) that our present armament is not even upon a peace basis, and (2) that it is woefully inadequate when considered from the standpoint of a war basis.

Gentlemen of the Negative, we ask that the second speaker meet us on the issue of adequacy of our present army and navy.

## SECOND NEGATIVE

A. F. McCLANAHAN, MISSOURI

The Negative maintains that the United States is able with her present armament to enter into immediate war with Germany, Mexico, or Japan. Upon this there is a direct clash with the gentlemen of the Affirmative, but before we enter into that clash we wish to complete the case of the Negative by showing that there is no immediate danger of war with England, and that future contingencies do not call for an increase in our army and navy.

In the first place, our contention is that there is no immediate danger of war with England. We have a treaty with England which provides that neither country will go to war with the other short of one year's notice. This period of one year will give the nation taking the offensive time to cool off, and prevent war from any passionate flare-up over trivial matters. And only through passion would we ever go to war with her, for, as we will point out later, there are no social, economic, political, or racial causes for war. England has shown herself willing to arbitrate all justiciable matters, and only through some sudden fit of passion over a fancied

insult to our national honor would we ever go to war with her. Under such conditions our treaty obligates us to give her one year in which to right our wrongs before declaring war. The result will be that in that time passion will have subsided, and she will have amicably righted all injuries to us. And that the temper of the American people is not easily aroused against England, consider how passively we have suffered her infractions of international law during the present war.

Having settled the fact that we are not going to war with England over some sudden flare-up, let us consider what conditions prevent her from going to war with us. Even if she could not afford to respect the one-year treaty—and England has always honored her treaties—during the present crisis she could not afford to declare war on us. At this time she is dependent on us for a large part of her munitions of war. The Bethlehem Steel Corporation alone is turning out daily and furnishing to the Allies more munitions than all the British munition-factories combined. Not only are we supplying her with munitions of war, but more important still is her reliance on us for food. Thirty per cent. of the value of the food-supply of England comes from these United States, besides a large amount from our next-door neighbor, Canada. No one knows better than England that she cannot afford to lose this supply of munitions and food, and that her obtaining them depends upon her friendly relations with the United States.

Indeed, England cannot afford to go to war with us at the present time. Should England declare war on the United States her chances of success in the present war would be greatly lessened—her munitions would be cut short, her food-supply halved by our seizing Canada and shutting off our exports of foodstuffs, her

factories would be shy of raw materials, and her government wanting in finances.

Now, turning to those fundamental causes which make war between nations, such as economic rivalries and race hatreds, we find there is no conflict of interests between the United States and Great Britain. Neither England nor the United States seeks territory. As long as England has on her hands the development of South Africa, Egypt, Australia, and India, she cannot wish for more. She is surfeited with colonies, and the United States wants no colonies. England has what she wants; her desire for territory has ended; she is perfectly satisfied if outsiders will but leave her alone; and any nation wishing to fight her must take the offensive.

All England's policies are either identical or non-conflicting with ours. There exists no keen commercial rivalry between us. Her policy of free trade runs parallel with ours; and England has always stood for free trade. All her great colonies are self-governing states whose parliaments have the power of levying import duties against England herself. All she has ever desired anywhere was colonies for free commercial development. She levies no import duties of any kind, not even against her keenest rival, Germany. In parts of her own colonies German trade before the present war was greater than her own.

As a result of her economic conception of free trade England has naturally decided to uphold the Monroe Doctrine in South America. In fact, the Monroe Doctrine was launched at the suggestion of her own prime minister; and recognizing that free trade gives her all the advantages she desires, she has unreservedly accepted it. England desires no further colonies in South America. Why should she when she has all the advantages without the protective responsibilities? What

England wants is that no other power shall colonize and monopolize South America. Having her great share in the trade in South America, she wants that territory held open that she may continue that trade. The fact is that in many of the republics of South America Englishmen already have full sway. In Venezuela, England not only has a large percentage of the trade, but English capitalists control almost all of the enterprises; while in Peru an English corporation levies and collects all the taxes, and manages the government of that republic. In short, England has all she could want in South America, and she is heartily in accord with the Monroe Doctrine.

Again England's point of view of free trade points to the fact that she will stand by us in the "open door" policy in China. England does not want a partition of China; she has had a lesson in India. What she wants is an open territory for free trade in China; and in this she stands identically with the United States. It was England who prevented Japan from forcing her recent ultimatum on China. When Japan issued her ultimatum that China supplant all Western experts with Japanese experts, and that China employ only Japanese experts in the future, England said, "No," and Japan did not force the ultimatum. England could not consent to the Chinese industries being monopolized by Japan; she wanted those industries held open, and, gentlemen, if England objected to Japan's merely trying to direct the commercial development of China, would she not object to Japan's attempting a conquest of that republic? In this England would stand identically with the United States. Therefore, England is not going to war with the United States over the Far Eastern question.

English ideals and ideas are fundamentally identical with ours. We are of a common stock and common language; we have common literature and common

religion; we enjoy the same system of laws and the same ideals of government; our standards of morality and tastes are the same—in short, we have much the same outlook on life. We are part and parcel of the British civilization. All our fundamental principles were brought over here by our forefathers in the *Mayflower*, together with their teakettles, spinning-wheels, and other heir-looms with which to set up a new civilization in the wilds of Massachusetts. A deep-seated and fundamental friendliness and sympathy exists between us, and the personal relations of a people that are one. The decline of provincial self-assertion on the one side and of conservative prejudice on the other has developed a friendship that can even withstand a Venezuelan affair.

England's neutrality in the Spanish-American War gave proof of her friendship. At that time when her enmity might have brought down the powers of all Europe on our heads, England held herself strictly neutral; and shortly afterward she consented to the Hay-Pauncefote Treaty, leaving us to build and operate the Panama Canal alone; yes, even fortify it. Later in the Anglo-Japanese Alliance, England specifically stated that under no circumstances would she assist Japan in a war against the United States; and more recently, during the Panama Canal tolls controversy, the British Premier got up in Parliament and said that no matter whether we did her justice or not, England had no idea of going to war with the United States over the tolls proposition.

Besides these particular acts of friendship Great Britain has dismantled her forts in the West Indies and acquiesced in the American doctrine of the paramount interest of the United States in the New World, allowing us to take complete charge of all Europe's debts, and the settlement of all revolutions in Central America.

And that this feeling is reciprocated in the United

States let the \$500,000,000 Anglo-French loan bear witness! Let the munitions furnished the Allies bear witness! Let the pro-Ally sentiment in America bear witness! In fact, so strong has the English sentiment in these United States become that to-day many leading Americans are seriously discussing the wisdom of an Anglo-American alliance, whereby our common interests and good intentions might take formal shape, and this sentiment for an Anglo-American alliance is openly expressed by such men as Charles W. Eliot of Harvard.

Only a continued pressure of conflicting interests could break down this friendship which our common interests have developed between us, and those conflicting interests do not exist to-day. The modern world is moving toward a union of those of the same blood; the feeling of nationality is the most potent instrument to-day in uniting a people, and the Anglo-American harmony is in keeping with this trend of the modern world.

Gentlemen, we have shown you that there is no danger of war with England at the present time. Now let us suppose that England comes out of the present war the supreme power of the world. She would then have all she desired and probably more. She would have no reason whatsoever for attacking the United States. Besides owing us a deep debt of gratitude for our support in the present war, the same deterring economic forces would operate as now. Her doctrine of open door runs parallel with that of the United States, and all her policies and interests are identical or non-conflicting with ours. Our ever-increasing friendship based on our common stock, common language, common literature, and common religion; our same system of laws, our same ideals of government, and like standards of morality and taste—are contrary to all causes of war; and our sacred treaties prevent any passionate running



into war over some fancied insult such as the seizure of a mail-bag or the carrying of a merchant-ship to Nova Scotia.

What, then, is left for us to consider? Suppose the war ended as a draw. Under those circumstances will we not see a world so war-weary that the fondest dreams of international peace under international law shall be an accomplished fact? But should this not come true, the next decade will see the powers of all Europe gathering their forces into two great warring camps preparing for another and decisive conflict. In one of these camps will be England, in the other Germany, each vying with the other in rallying forces, each preserving all the friends she already has, and making as many new alliances as possible. Neither can afford to see one of her potential allies smashed, and each must come to the assistance of a potential ally, if such is the probability.

In just this relation stands England with the United States. Just as England was driven to the assistance of France and Russia in the present war, lest they be crushed and she be forced to fight Germany single-handed, she must in the future come to the assistance of the United States—her potential ally in any future war.

If this war comes out a draw, any realignment of powers will find England on the side of the United States, for it is a plain case that if England can only fight the present war to a draw with all the assistance of the United States in munitions, foods, and finances, she would not dare enter another war without our support. She could not allow us to be smashed and our vast resources placed in the hands of her enemies.

Should Germany ally herself with any nation or group of nations and attack the United States it would mean another world war; and just as England came to the

rescue of France and Russia, she would come to ours. With her assistance our combined navies would sweep the seas, and no enemy could ever set foot on American soil.

This, then, is the peculiarly favorable position of the United States. We will have the aid of England in all wars; with the aid of England we will be invincible.

We challenge the gentlemen of the Affirmative to show us a single combination of powers which these United States will have to face at the close of the present war, which, if too great for us to handle alone, England will not assist us in opposing.

My colleague has called your attention to the fact that we are amply prepared right now to fight Mexico, Japan, or Germany, and I have shown you the improbability of war with England, both present and future, and have pointed out that in any future combination of powers against the United States, England will, from necessity, be found on our side; and that with the assistance of her navy we can successfully cope with any force. We of the Negative are opposed to any present material increase in our armament.

(NOTE.—The decision of the judges was in favor of the Affirmative.)

### III

## RULES OF PARLIAMENTARY PROCEDURE

### FOREWORD

Every American citizen should know at least the simpler rules of parliamentary law. It is sometimes said that a man who understands parliamentary procedure may get what he wants. At any rate, a person who does not know how to proceed before a deliberative assembly is very seriously handicapped. In the course of time a large number of rules have been formulated to govern the actions of assemblies. We shall make no attempt to go into the details and the finer points regarding such rules. The rules that follow are those which every citizen ought to know, and will usually be found sufficient for the conduct of a literary or debating society. It would be well for the members of a society, and particularly the president, to have at hand a standard treatise on parliamentary law such as Roberts's *Rules of Order* and to devote five or ten minutes occasionally at the meetings to drill in procedure.

It should be borne in mind that parliamentary rules are for the purpose of assisting in despatching business, and not to prevent or hinder. True, one is wholly justified in raising questions of procedure relative to a motion which he is either favoring or opposing, but he who raises technical objections merely for the purpose

of showing his knowledge of parliamentary law is a public nuisance.

#### ORGANIZATION OF THE SOCIETY

The ordinary procedure in presenting and deciding matters before a meeting can be illustrated by considering for a moment the organization of a literary or debating society. Suppose a few students are interested in public speaking and debating and wish to form an organization for the study and practice of these arts. They meet together informally and talk over the prospects for a successful society. If prospects seem encouraging, a notice is given of a time and place of meeting for the organization of such a society. Upon meeting, some one rises and says, for instance, "Gentlemen, since we have decided to form a literary society, I suggest that we proceed to business. I nominate Mr. Smith for temporary chairman of the meeting." Some one seconds the motion, and the member making the nomination puts the question. Mr. Smith is declared elected and takes the chair. The chairman then calls for nominations for a temporary secretary, and Mr. Jones rises and says, "Mr. Chairman."

CHAIRMAN: "Mr. Jones."

MR. JONES: "Mr. Chairman, I nominate Mr. Thompson."

The chair then calls for other nominations, and if there are none he puts the question, and Mr. Thompson is declared elected. The meeting is then organized and can proceed to business, the temporary secretary keeping full minutes of what takes place. The next step would usually be to appoint a committee to draw up a constitution and by-laws for the organization, or, if it is desired to use the constitution in this bulletin,

the meeting could at once take up the discussion of it, section by section, making any changes they desire. Whenever the constitution is adopted, the next thing is to elect the permanent officers. These officers may be installed at this or at a second meeting. As soon as the installation takes place the president should at once appoint any standing committees provided for in the constitution. A program should be arranged for the next meeting, and thereafter the meetings should be conducted in accordance with the "Order of Business" as specified in the by-laws.

All business is introduced to the society in some form of a resolution or motion. The general form of presenting a motion has been shown above. In dealing with a motion, these four steps are always to be observed:

(1) A member rises from the floor, and, after addressing the chair and securing recognition, he presents his motion.

(2) After the motion has been seconded, the presiding officer states it. It is then before the assembly for such discussion as may be desired.

(3) When the debate is closed on the motion, the question is put to vote by the chairman.

(4) The result of the vote is announced by the presiding officer.

#### GENERAL TERMS

*Quorum.*—The usual practice in any deliberative society is to require the presence of one-half of the active membership to transact any business, except to adjourn, which may be done by any number. If there is really no objection to the business to be transacted, the question of a quorum need not be raised. The by-laws of the society may prescribe a different number to constitute a quorum.

**Voting.**—Except as otherwise provided in the by-laws, voting on a motion or resolution is usually done *viva voce*. That is, all in favor of the motion say, "Aye," all opposed, "No." In case of a tie the chairman's vote decides. In case of doubt as to the result of a vote, any member may call for a rising vote, or the chairman himself may, of his own accord, call for such a vote. When it is desired to keep secret how individuals vote on a question, a motion may be made to vote by ballot. By a majority vote the society may also order the secretary to call the names of members to vote on any motion. If in favor, a member votes "Aye"; if opposed, "No."

**Reports of Committees.**—Under the regular order of business the chairman of the committee secures the floor and says, "The committee on——begs leave to report that——(gives report)——all of which is respectfully submitted." A minority of the committee differing from the majority may also present a report in the same manner.

#### CLASSIFICATION OF MOTIONS

Motions are usually divided into four general classes—Principal, Privileged, Incidental, and Subsidiary.

**Principal Motion.**—Any motion which brings original business before the house is known as the principal motion, or the main question, after it has been put by the presiding officer. It is the general rule that when the main question is regularly before the house no other question can arise unless it be a motion offered for the purpose of aiding in the disposition of the main question. The purpose of motions affecting the main question before the house may be indicated as follows:

1. If a member desires entirely to shut off further

action on the subject, he makes a motion either (a) to lay on the table or (b) to postpone indefinitely.

2. If a member desires to put off to some future time action on any matter, he makes a motion either to (a) postpone to a certain time or (b) to lay on the table.

3. If a member desires to stop further discussion and bring the main question at once to vote, he makes a motion either (a) for the previous question or (b) to limit debate.

4. If a member is generally favorable to the principal motion, but wishes to have it passed in a modified or altered form, he makes a motion either (a) to commit, refer, or recommit to a committee or (b) to amend.

5. If a member desires that the action of a society already taken on some matter be changed, he makes a motion either to reconsider or to rescind.

6. If a member thinks that the society is not proceeding according to parliamentary rule, he rises to a point of order; and, if his point of order is not sustained by the presiding officer, he may appeal from the decision of the chair.

#### PRIVILEGED MOTIONS

Let us now look at the various specific motions a little more in detail. Certain of these are called "privileged" because they are entitled to precedence over all other motions. Generally speaking, they are always in order, and any other matter or business must yield to them. The privileged motions are as follows:

1. *To Adjourn*.—The motion simply to adjourn (that is, unqualified), although always in order, has the following limitations: It supersedes all other questions except fixing the time for the next meeting; it cannot be received while a member is speaking unless he consents to give

way for that purpose; it cannot be entertained while a vote is being taken upon another motion; it cannot be debated, amended, committed, postponed, reconsidered, or laid on the table. It cannot, after being once voted down, be renewed unless other business intervenes. If qualified as to time, or in any other manner, a motion to adjourn ceases to be privileged and becomes a main question.

2. *Questions of Privilege.*—This has reference to the rights and privileges of the assembly and of its members. It does not require a second; a majority carries the motion. It can be amended, debated, committed, postponed, reconsidered, or laid on the table. The form of presenting a question of privilege is as follows:

MEMBER: "I rise to a question of privilege." CHAIRMAN: "State your question." MEMBER: "I am charged with———" The chairman makes a ruling, which is subject to appeal from the decision of the chair.

3. *Order of Business.*—The order of business as fixed by the by-laws must be followed at each meeting unless changed by a two-thirds vote of the society. A motion for a special order does not require a second, requires two-thirds vote for passage, is not debatable, cannot be amended, postponed, reconsidered, or laid on the table, and is not subject to previous question.

#### INCIDENTAL MOTIONS

These motions are entitled to precedence over all except privileged questions, and must be disposed of when they arise.

The incidental motions are as follows:

1. *Questions of Order.*—When a point of order is raised, the chairman makes a ruling which stands as final unless the assembly takes the matter into its own hands by



an appeal from the decision of the chair. A motion to appeal from the decision of the chair requires a second, requires majority vote, is not debatable (as a general rule), cannot be amended, committed, or postponed, cannot be renewed after once decided, is not in order when another appeal is pending. In case of a tie vote the chair is sustained. The procedure in an appeal from the decision of the chair is as follows: MEMBER: "I rise to a point of order." CHAIRMAN: "State your point." The member then states his point, the chairman making his ruling thereon. MEMBER: "I appeal from the decision of the chair." CHAIRMAN: "The question is, 'Shall the chair be sustained?' or, 'Shall the decision of the chair stand as the decision of the assembly?'"

2. *To Withdraw a Motion.*—When a motion is regularly made and seconded, it cannot be withdrawn except by a vote of the assembly. This is accomplished by a motion that the member be allowed to withdraw his motion. This is decided by a majority vote, does not require a second, cannot be debated, amended, committed, or postponed, is not subject to previous question, can be reconsidered or laid on the table.

3. *To Suspend a Rule.*—Whenever it is desired to depart from the regular order of business, a motion to suspend the rule is in order. In case there is no objection to doing a thing contrary to rule, there is no need for a motion. The constitution and by-laws of the society, however, cannot be suspended. A motion to suspend a rule requires a second, requires a two-thirds vote, cannot be debated, amended, committed, postponed, reconsidered, or laid on the table. It cannot be renewed at the same meeting. An undebatable question cannot be made debatable by suspending the rule.

4. *To Reconsider.*—When a motion has once been duly passed it cannot be reconsidered by the society except

by formal motion. A motion to reconsider a main question must be made by some one who voted for it when the motion was carried (else a majority might indefinitely prolong the debate), and it must be made at the same or the next succeeding meeting. If the motion to reconsider is lost, the main question is finally disposed of; if the motion to reconsider is carried, the main question is again before the house. A motion to reconsider requires a second, majority vote, is debatable if the main question to which it refers is debatable, cannot be amended, committed, postponed, or reconsidered. It can be laid on the table, not tabling the main question. An assembly cannot reconsider motions to adjourn, to suspend the rules, or to reconsider. If a motion to reconsider is carried, the original question is again before the house as if it had never been acted on.

#### SUBSIDIARY MOTIONS

The object of subsidiary motions is to postpone or modify action on the principal motion, definitely or indefinitely—*i.e.*, they help to dispose of main questions and have to be decided before the main question to which they apply. They yield to privileged or incidental questions. The subsidiary motions are:

1. *To Lay on the Table*.—This motion is usually resorted to when it is desired to put aside a question either temporarily or more or less indefinitely. A motion laid on the table may be taken up again whenever the assembly so desires. It cannot be debated, committed, amended, or postponed, is not subject to previous question, and cannot be laid on the table. If carried, this motion lays on the table the principal motion and all secondary to it.

2. *Previous Question*.—The object of this motion is to shut off further debate and to bring the main question

to a vote at once. It applies only to debatable questions. If carried it puts the main question without delay before the house. It requires a two-thirds vote, must be seconded, cannot be debated, amended, committed, or postponed, is not subject to previous question, cannot be reconsidered if lost, can be reconsidered if carried. It can be laid on the table—carries with it entire subject—main and secondary motion. If lost, it leaves the main question as before open to debate. Resort to this motion is sometimes called applying the “gag law,” and should be resorted to only when the discussion of a motion has been unnecessarily prolonged. The form of the motion is as follows: MEMBER: “I move the previous question.” Upon receiving a second, the chairman puts the motion as follows: “Shall the main question be now put?”

3. *Postpone to Time Certain.*—When the assembly is willing to consider a motion, but not at a time when it is made, the motion to postpone to a definite time is in order. Such a motion requires a majority vote, can be debated, can be amended as to time, cannot be committed or postponed. A question postponed to a time certain can be taken up before that time arrives by a two-thirds vote.

4. *To Commit, Refer, or Recommit.*—When an assembly is not ready to vote on a question, such question may be sent to a committee for consideration and report, or it may be referred to a special committee, or, if the assembly wishes further action by a committee, it may be re-committed to such committee.

5. *To Amend.*—A motion to amend is properly a motion friendly to the proposition to be amended, its object being to correct or improve the form or statement of the principal motion. Amendments are made by the insertion, addition, substitution, or omission of words or

sentences. In general, a motion to amend is subject to the same rules as the question to which it is applied. If a main question is committed, postponed, or laid on the table, it takes all amendments with it. An amendment is always put before the main question. An amendment to an amendment cannot be amended; if one amendment to an amendment is not satisfactory, it must be voted down and another substituted. An amendment must be germane to the motion which it seeks to modify—that is, it must not relate to a wholly different matter.

Finally, let it be said again that the procedure in all deliberative bodies should be carried on in an orderly manner, and it is better for school literary societies to train themselves in excessive care for forms of procedure rather than to conduct meetings in a slipshod fashion. The president should see that order is duly preserved; that all motions are made in due form; that there is only one matter of business considered at a time; that all discussion be limited to the motion before the house; and that, after a member has secured the floor in proper form, he be heard without interruption, except on a point of order.

By way of summary, the following tabulation will be found helpful for ready reference:

### MOTIONS IN ORDER OF RANK

(Debatable motions are printed in black type)

#### PRIVILEGED MOTIONS:

- \* To Fix the Time or Place at Which to Reassemble.
- \*\* To Adjourn.
- \* **Privileged Questions.**
  - Call for the Orders of the Day.

## INCIDENTAL MOTIONS:

- ‡ Questions of Order } Raising the Question.  
                                   } Appeal from Decision of Chair.
- ‡ Objection to the Consideration of a Question.  
     To Read a Paper.
- \* To Divide a Resolution.  
     To Permit the Withdrawal of a Motion.
- ‡ To Suspend Rules of Order.

## SUBSIDIARY MOTIONS:

- To Lay on the Table.
- ‡ The Previous Question.
- \* To Postpone to a Certain Day.
- \* To Commit, refer, or recommit.
- \* To Amend.
- To Postpone Indefinitely. } Equal rank.

## PRINCIPAL MOTIONS:

- \* To Expunge.
- \* To Rescind or Repeal.
- \* Main Motion, or Resolution.

## MISCELLANEOUS MOTIONS:

- ‡\*\* To Reconsider.  
     Ordering the Method of Voting.  
     Renewing a Motion.
- \* May be amended.
- ‡ Requires a two-thirds majority.
- \*\* Cannot be reconsidered.
- ‡ Is in order when another has the floor.

## IV

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*The author is associate professor of government and director of the bureau of municipal research and reference at the University of Texas. The subtitle of this book is "The Principles and Practice of City Charter-Making."*

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JUL 7 - 1930

